

Licensing Sub-Committee

Thursday 9 May 2019
10.00 am
Room G06 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Adele Morris

Reserves

Councillor Dora Dixon-Fyle MBE

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 30 April 2019



Licensing Sub-Committee

Thursday 9 May 2019
10.00 am
Room G06 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: TOWER MANGAL, 57 TOWER BRIDGE ROAD, LONDON SE1 4TL	1 - 23
6.	LICENSING ACT 2003: THE DUTCHIE, 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ	24 - 134

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 30 April 2019

Item No. 5.	Classification: Open	Date: 9 May 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Tower Mangal, 57 Tower Bridge Road, London SE1 4TL	
Ward(s) of group(s) affected		Chaucer	
From		Director of Environment	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by ASYE Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Tower Mangal, 57 Tower Bridge Road, London SE1 4TL.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 9 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 10 to 15 of this report deal with the representations submitted and any further correspondence in respect of the application. Copies of the representations are attached as Appendix B.
 - d) Paragraph 16 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix C.
 - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 14 March 2019 ASYE Ltd applied to this council for the grant of a premises licence in respect of Tower Mangal, 57 Tower Bridge Road, London SE1 4TL. The premises is described as a ground floor restaurant with takeaway facility. The application is summarised as follows:
 - Late night refreshment (indoor & outdoors):
 - Sunday to Thursday: 23:00 to 02:00
 - Friday and Saturday: 23:00 to 05.00
 - Operating hours:
 - Sunday to Thursday: 11:00 to 02:00
 - Friday and Saturday: 11:00 to 05.00.

9. The premises licence application form provides the applicant's operating schedule. Parts I, K,L and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

Representations from responsible authorities

10. There are representations from the Metropolitan Police Service and licensing (as a responsible authority).
11. The police state that under Southwark's statement of licensing policy the location of the premises is in a residential area and as such the hours requested fall outside of policy. The policy is in place to assist in addressing the licensing objectives and any opening hours outside of these will increase the likelihood of attracting intoxicated people and cause public nuisance, antisocial behaviour, crime and disorder in the area. There is little detail in the operating schedule and only two enforceable control measures are offered for the promotion of the licensing objectives. They object to the granting of the licence in the current format and would like to see additional conditions which they have submitted to be agreed by the applicant and included on the licence to promote the crime and disorder licensing objective.
12. The licensing representation is based on the Southwark statement of licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance. The premises is situated in a residential area and under the Southwark statement of licensing policy 2016 - 2020 the appropriate closing times for restaurants, cafes, public houses, wine bars or other drinking establishments on Monday to Sunday is 23:00. This application seeks hours in excess of that which is deemed appropriate for a residential area.
13. The representations are attached as Appendix B.

Representations from other persons

14. There are no representations from other persons.

Conciliation

15. The representations were forwarded to the applicant. The licensing sub-committee will be updated on 9 May 2019 of any developments.

Map of the local area

16. A map of the area is attached to this report as Appendix C. For purposes of scale only the circle on the map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map:

Public houses/restaurants/off licences

- The George, 40 Tower Bridge Road, London SE1(Monday to Sunday until 01:30)
- Tower Wines,33 Tower Bridge Road, London SE1 (Monday to Saturday until 23:00 and Sunday until 22:30)
- Crystal China, 78-80 Tower Bridge Road, London SE1 (Monday to Sunday until 00.30)
- Tower Tandoori, 74-76 Tower Bridge Road, London SE1 (Monday to Sunday until 00.30)

- Tower Express, 72 Tower Bridge Road, London SE1 (Monday to Saturday until 23:00 and Sunday until 22:30)
- Bottle 85 Ltd, 85 Tower Bridge Road, London SE1 (Sunday to Thursday until 23.00 and Friday and Saturday until 00:00)
- Unit 6, 60 Brighton /buildings, Tower bridge Road, London SE1 (Monday to Sunday until 00:30)
- Costcutter, 65 Tower Bridge Road, London SE1 (24 hours).

Southwark council statement of licensing policy

17. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
 - Section 5 – Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local Cumulative Impact Policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of Operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
 - Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public Safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
18. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

19. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises indicated:

- Restaurants and cafes: 23:00 daily
- Takeaways are not considered appropriate for this area

Resource implications

20. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

Consultation

21. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

22. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

23. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.

24. The principles which sub-committee members must apply are set out below.

Principles for making the determination

25. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

26. Relevant representations are those which:

- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

27. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:

- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

Conditions

28. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
29. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
30. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
31. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
32. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

33. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

Hearing procedures

34. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:

- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
35. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

36. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
37. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
38. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future

event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

39. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
40. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
41. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
42. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
43. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

44. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

45. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

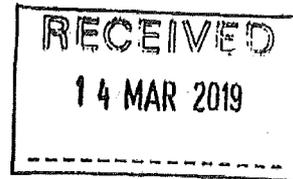
Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Map of area

AUDIT TRAIL

Lead Officer	Mick Lucas, Director of Environment	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	25 April 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	29 April 2019	



Business - Application for a premises licence to be granted under the Licensing Act 2003

12/03/2019

Business - Application for a premises licence to be granted under the Licensing Act 2003
Ref No. 1196489

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	ASYE LTD
--	----------

Premises Details

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	14,000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	Tower Mangal
--	--------------

Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	57 TOWER BRIDGE ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 4TL
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

Please select whether you are applying for a premises licence as

	a person other than an individual (limited company, partnership etc)
--	--

Business - Application for a premises licence to be granted under the Licensing Act 2003

If you are applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	--

Other Applicants

Personal Details - First Entry

Name	APTOULACH CHOUSEINOLOU
------	------------------------

Address - First Entry

Street number or building name	55-57
Street Description	Tower Bridge Road
Town	London
County	
Post code	SE1 4TL
Registered number (where applicable)	11639912
Description of applicant (for example, partnership, company, unincorporated association etc)	LIMITED COMPANY Name of the company:Asye Limited.

Contact Details - First Entry

Telephone number	
Email address	

Operating Schedule

When do you want the premises licence to start?

	20/03/2019
--	------------

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--

General description of premises (see guidance note 1)

Business - Application for a premises licence to be granted under the Licensing Act 2003

12/03/2019

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 1196489

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Aptoulach Chouseinoglou
--	-------------------------

Premises Details

Non-domestic rateable value of premises in order to see your rateable value [click here](#) (opens in new window)

£	14.000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	Tower Mangal
--	--------------

Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	57 TOWER BRIDGE ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 4TL
Ordnance survey map reference	
Description of the location	
Telephone number	

Applicant Details

Please select whether you are applying for a premises licence as

	a person other than an individual (limited company, partnership etc)
--	--

Business - Application for a premises licence to be granted under the Licensing Act 2003

If you are applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	--

Other Applicants

Personal Details - First Entry

Name	APTOULACH CHOUSEINOLOU
------	------------------------

Address - First Entry

Street number or building name	85
Street Description	CARTERET WAY
Town	London
County	
Post code	SE8 3QB
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc)	LIMITED COMPANY

Contact Details - First Entry

Telephone number	
Email address	

Operating Schedule

When do you want the premises licence to start?

	20/03/2019
--	------------

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--

General description of premises (see guidance note 1)

Business - Application for a premises licence to be granted under the Licensing Act 2003

	It is ground floor restaurant ,We would like to apply for night cafe licence to extend the opening hours.
--	---

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Operating Schedule part 2

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

--	--

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 3)

	Both
--	------

Please give further details here (Please read guidance note 4)

Business - Application for a premises licence to be granted under the Licensing Act 2003

	The premises will be open for take away and eat in .
--	--

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon	23:00	02:00
Tues	23:00	02:00
Wed	23:00	02:00
Thur	23:00	02:00
Fri	23:00	05:00
Sat	23:00	05:00
Sun	23:00	02:00

State any seasonal variations for the provision of late night refreshment (Please read guidance note 5)

	N/A
--	-----

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 6)

	N/A
--	-----

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (Please read guidance note 9)

	No. There would not be any adult entertainment.
--	---

L - Hours premises are open to public

Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	02:00
Fri	11:00	05:00
Sat	11:00	05:00
Sun	11:00	02:00

State any seasonal variations (Please read guidance note 5)

Business - Application for a premises licence to be granted under the Licensing Act 2003

	N/A
--	-----

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

	N/A
--	-----

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	The premises has been installed and will be maintained comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. we will not going to sell any alcohol in premises or alcove any alcoholic drink in our premises.
--	--

b) the prevention of crime and disorder

	We will not sell alcohol in our premises .The CCTV system will continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
--	--

c) public safety

	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member will be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
--	--

d) the prevention of public nuisance

	An incident log will be kept at the premises, and made available on request to an authorised officer of the Southwark Council or the Police. It will be completed within 24 hours of the incident and will record the following: 1-all crimes reported to the venue 2-all ejections of patrons.3- any complaints received concerning crime and disorder
--	---

e) the protection of children from harm

	Children will be permitted to restaurant only with their parent and relatives during the opening hours
--	--

Please upload a plan of the premises

--	--

Business - Application for a premises licence to be granted under the Licensing Act 2003

Please upload any additional information i.e. risk assessments

--	--

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying)
--	---

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am a company or limited liability partnership
--	--

Declaration

I agree to the above statement

	Yes
PaymentDescription	
AuthCode	
LicenceReference	
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	APTOULACH CHOUSEINOGLU
Date (DD/MM/YYYY)	12/03/2019
Capacity	Applicant

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	12/03/2019
Capacity	

Business - Application for a premises licence to be granted under the Licensing Act 2003

Contact name (where not previously given) an address for correspondence associated with this application
(please read guidance note 14)

Contact name and address for correspondence	
Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/47/19

Date: 28/03/2019

Dear Sir/Madam

Re:-Tower Mangal 57 Tower Bridge Road SE1 4TL

Police are in possession of an application from the above for a new premises licence 867264. The application relates to late night refreshment only for restaurant and takeaway establishment.

Under Southwark's statement of licensing policy the location of the premises is in a residential area and as such the hours requested fall outside of policy. The policy is in place to assist in addressing the licensing objectives and any opening hours outside of these will increase the likelihood of attracting intoxicated people and cause public nuisance, antisocial behaviour, crime and disorder in the area.

There is little detail in the operating schedule and only 2 enforceable control measures are offered for the promotion of the licensing objectives, it for this reason that the application should be refused in its current format.

If however the licensing sub-committee are minded to grant a premises licence the following control measures would need to be in place.

The wording of each condition is important so it complies with home office guidance in being precise and enforceable.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.

3. A staff member who is able to operate the CCTV system shall be present at all times that, they are open to the public.
4. An incident log (whether written or electronic form) shall be maintained and kept for not less than 6 months.
5. That a minimum of 1 SIA registered door supervisor will be engaged when the premises are in operation and the terminal hour is greater than 00:00. They will be employed at all times after 22:00 until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict, monitor and address ASB by patrons.
6. That there shall be no more than five smokers outside at any time and this shall be monitored by staff
7. Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

The Following is submitted for your consideration, and we would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

PC Mark Lynch 2246AS

Licensing Officer

Southwark Police Licensing Unit

From: Franklin, David
Sent: Thursday, April 11, 2019 11:53 PM
To: Regen, Licensing
Cc: Tear, Jayne
Subject: Tower Mangal, 57 Tower Bridge Road, London, SE1 4TL

I write to make representation to the new premises licence application for Tower Mangal, 57 Tower Bridge Road, London, SE1 4TL under the objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:

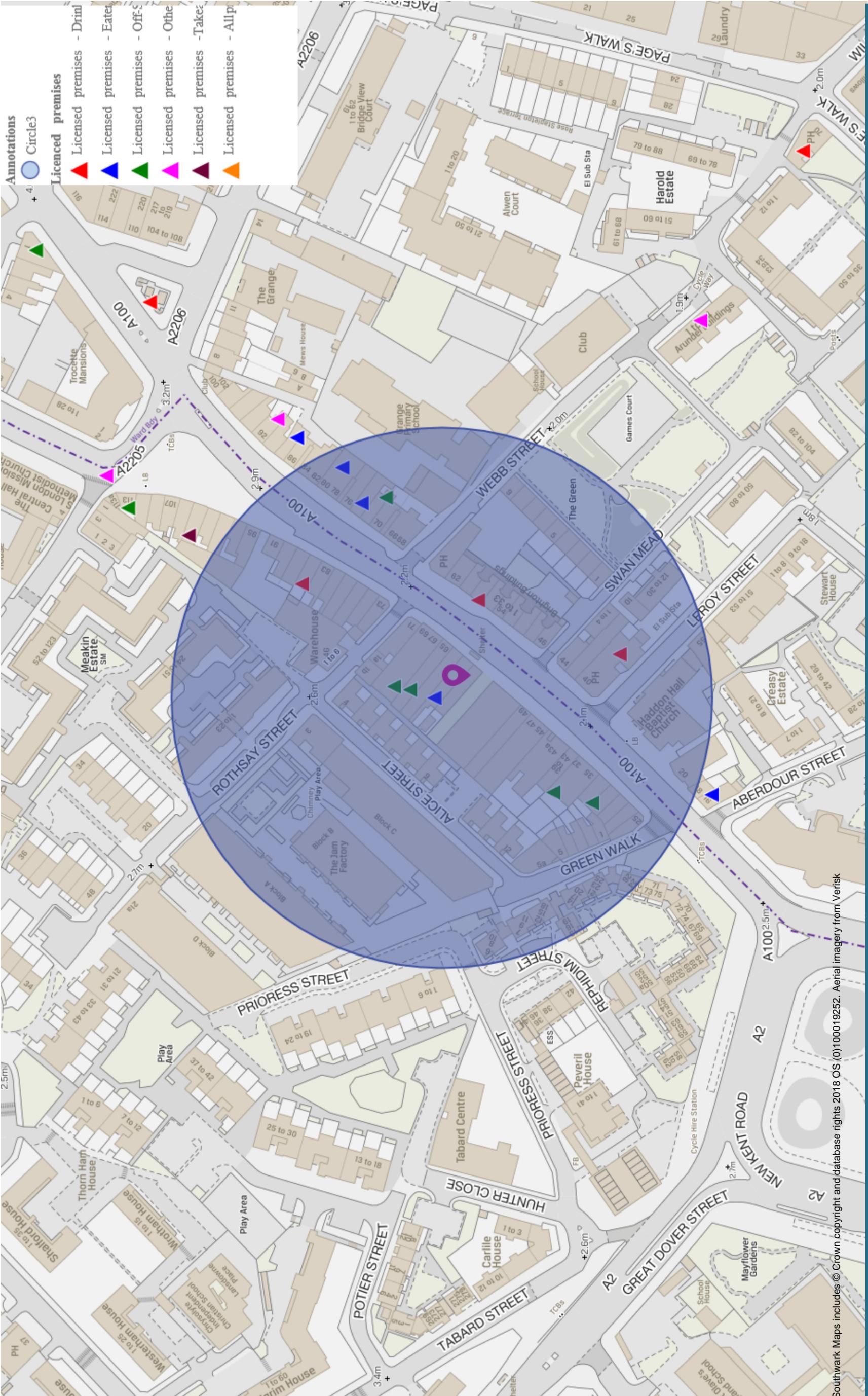
Closing time for Restaurants and Cafes is 23:00 hours daily

Takeaways are not considered appropriate for this area.

Regards

David Franklin
Licensing as a Responsible Authority

TOWER MANGAL, 57 TOWER BRIDGE ROAD, SE1 4TL



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25-Apr-2019



Agenda Item 6

Item No. 6.	Classification: Open	Date: 9 May 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: The Dutchie, 58a Camberwell Church Street, London SE5 8QZ	
Ward(s) of group(s) affected		St Giles	
From		Director of Environment	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by NMAS Enterprise Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as The Dutchie, 58a Camberwell Church Street, London SE5 8QZ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as appendix A.
 - c) Paragraphs 12 to 19 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted responsible authorities are attached to this report in Appendix B and C. Representations from other persons are attached at Appendix D. A map showing the location of the premises is attached to this report as Appendix I.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 11 March 2019 NMAS Enterprise Limited applied to this council for the grant of a premises licence in respect of The Dutchie, 58a Camberwell Church Street, London SE5 8QZ. The premises are described in the application simply as being:

“The premises comprise of a ground floor and basement floor and will operate as The Dutchie Restaurant & Bar, our third site. The ground floor will be the reception & seating area as well as counter for customer ordering takeaway meals. Some booth seating for customer will also be available on the ground floor. The main restaurant seating areas, kitchen, bar area, storage and conveniences will be located on the basement floor. Alcoholic and non alcoholic beverages will be served with meals as well as at the bar for consumption in the restaurant or bar area (there will be no off supplies of alcohol). Low volume background music, recorded music will be played and we will have the occasional 'pop up' live music performances of Jazz, R&P, el al to serenade and entertain our restaurant guests. The basement & ground floor area has an emergency exit route in addition to the main way in...”

9. The application and is summarised as follows:
- The sale by retail of alcohol (on sales only):
 - Monday to Friday from 11:00 to 00:00
 - Saturday and Sunday from 11:00 to 01:30 (the following day)
 - The provision of late night refreshment (indoors):
 - Monday to Friday from 23:00 to 00:00
 - Saturday and Sunday from 23:00 to 01:30 (the following day)
 - The provision of regulated entertainment in the form of recorded and live music (Indoors):
 - Monday to Friday from 11:00 to 00:00
 - Saturday and Sunday from 11:00 to 01:30 (the following day)

- Opening hours:
 - Monday to Friday from 08:00 to 00:00
 - Saturday and Sunday from 08:00 to 01:30 (the following day)
 - Additional non-standard timings:
 - Where Monday is a public Holiday: 00:00 to 02:30
 - Yearly 1 October, 1 and 6 August: 00:00 to 02:30 the following day.
10. The proposed designated premises supervisor of the premises is Norman Smith who has a personal licence by London Borough of Croydon. Mr Smith is the director of NMAS Enterprise Limited.
 11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

Representations from responsible authorities

12. A representation has been submitted by the Metropolitan Police Service (Licensing Division), this council's environmental protection team and licensing responsible authorities.
13. The Metropolitan Police Service made a representation which draws attention to the premises being within the Camberwell cumulative impact policy area. A history of the premises reveals that the previous club run at that address was subject to significant enforcement action, including revocation and a Closure Order via the Magistrate's Court. There is a concern that if the application were granted in its current form, it could easily open as a club once more.
14. The representation from the council's licensing authority again draws on the location of the premises within the cumulative impact policy area. The hours requested by the applicant fall outside of the Southwark licensing policy.
15. All outstanding responsible authority representations are available in Appendix B
16. The planning department have not made an objection, but have made comment on the application, which is included at the end of Appendix B.
17. The representation from Southwark environmental protection team (EPT) is made under the licensing objective of the prevention of public nuisance. They again raise concerns in relation to hours of operation and the proximity of the premises to residential properties. The representation has since been conciliated and withdrawn with the following additional conditions:
 - No live or recorded music should be played within the premises that is audible within the residential premises above or adjoining the premises under consideration ('The Dutchie').
 - The closing time of the premises shall be no later than 00:00 on Sundays to Thursdays and 01:00 on Fridays and Saturdays.

- In any year when 1 or 6 August and 1 October occurs on a Friday or Saturday the closing time is permitted until 02:00 on those days.
- The end time for all licensable activities shall be at least 30 minutes before the closing time to enable consumption of alcohol and food purchased.
- Alcohol must be served only with a substantial table meal within the premises.
- Drinks in open vessels purchased whilst within the premises may not be taken outside for consumption.

18. The conciliated representation from EPT is available in Appendix C.

Representations from other persons

19. Representations have been received from 27 other persons, predominately residents local to the premises. Three ward councillors have also made a joint representation against the application. The representations relate to all four licensing objectives. The concerns surround the proximity of the premises to residential properties and the potential for associated nuisance with a licensed premises opening so late. Most representations refer to the previous use of the premises and the resulting anti-social behaviour. These representations are available in Appendix D.

Conciliation

20. The applicant was sent copies of all the submitted representations. At the point that this report was published, only the representation from EPT had been conciliated. The applicant asked that the local resident objectors be sent information in relation to the application and the use of the premises. A copy of the response sent to objectors is available in Appendix E.

Premises history

21. The premises has been previously run as a night club and still retains the exterior signage of 'Club Couture'. The premises licence was reviewed following a number of incidents of disorder relating to the club. The licence was reviewed and subsequently revoked on 6 December 2013.

22. An application was later received for a new premises licence for a restaurant on the ground floor of the premises. This application went to the Southwark licensing sub committee on 8 April 2014 and was subsequently granted to Mr Amaechi Billa Mackenzie Achuka. The notices of decision for both these Hearings from 2013 and 2014 are available for Members' information in Appendix H.

23. On 22 August 2017 Farey and Ryan Limited applied to this Council for the grant of a premises licence in respect of Farey and Ryan Ltd. The application was heard by the Southwark licensing sub-committee on 16 October 2017 and subsequently granted. A copy of the Notice of Decision from that Hearing is available in Appendix F. A premises licence was issued and remains in place, albeit unused. A copy is available in Appendix G.

Temporary events notices

24. There is no recent history of complaints or temporary events notices at this premises as it has remained closed.

Map

25. A map showing the location of the premises is attached to this report as **Appendix H**. The following are a list of similarly licensed premises are in the immediate vicinity of the premises application:

FM Mangal, 54 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday: 12:00 (midday) to 00:00 (midnight)
- The provision of late night refreshment (indoors):
 - Monday to Wednesday: 23:00 to 01:00 (the following day)
 - Thursday to Saturday: 23:00 to 02:00 (the following day)
 - Sunday: 23:00 to 00:00 (midnight)
- The provision of regulated entertainment in the form of live music, recorded music and the performance of dance (indoors):
 - Monday to Wednesday: 09:00 to 01:00 (the following day)
 - Thursday to Saturday; 09:00 to 02:00 (the following day)
 - Sunday: 12:00 (midday) to 00:00 (midnight)

Maloko Art Café, 60 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (on sales):
 - Monday to Saturday: 12:00 (midday) to 22:00
 - Sunday: 12:00 (midday) to 21:00

The Vineyard, 3 Camberwell Grove, London SE5 8JA

- The sale by retail of alcohol (on sales):
 - Monday to Saturday: 11:00 to 00:00 (midnight)
 - Sunday: 12:00 (midday) to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday: 23:00 to 00:30 (the following day)
 - Sunday: 23:00 to 00:00 (midnight)

I Go Chop, 46 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (both on and sales):
 - Sunday to Thursday: 10:00 to 23:30
 - Friday and Saturday: 10:00 to 00:30 (the following day)

The provision of late night refreshment (indoors and outdoors):

- Monday to Sunday: 23:00 to 05:00 (the following day)

Hoa Viet, 42 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday: 11:00 to 00:00 (midnight)
 - Sunday: 11:00 to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday; 23:00 to 00:30 (the following day)
 - Sunday: 23:00 to 00:00 (midnight)

Daily Goods, 36 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday: 10:00 to 22:00
 - Sunday: 11:00 to 22:00

Camberwell Superstore, 34 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (off sales only):
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30

Well Mix Oriental, 69 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday: 11:00 to 00:00 (midnight)
 - Sunday: 11:00 to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday: 23:00 to 00:30 (the following day)
 - Sunday: 23:00 to 00:00 (midnight)

The Camberwell Arms, 65 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (on sales):
 - Sunday to Thursday: 10:00 to 00:00 (midnight)
 - Friday and Saturday: 10:00 to 02:00 (the following day)
- The sale by retail of alcohol (off sales):
 - Sunday to Thursday: 10:00 to 00:00 (midnight)
 - Friday and Saturday: 10:00 to 03:00 (the following day)
- The provision of late night refreshment (indoors):
 - Sunday to Thursday; 23:00 to 00:00 (midnight)
 - Friday and Saturday: 23:00 to 02:30 (the following day)

- The provision of regulated entertainment in the form of live music, recorded music, facilities for making music and anything similar and the performance of dance (indoors):
 - Sunday to Thursday: 10:00 to 00:00 (midnight)
 - Friday and Saturday: 10:00 to 02:00 (the following day)

We Are Lumberjack, 70 Camberwell Church Street, London SE5 8QZ

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday: 10:00 to 23:00
 - Sunday: 12:00 (midday) to 22:30

The provision of late night refreshment (indoors):

- Monday to Saturday: 23:00 to 23:30

We Are Lumberjack, 70 Camberwell Church Street, London SE5 8QZ

- The provision of late night refreshment (indoors):
 - Monday to Sunday: 23:00 to 04:00 (the following day)

Shreeji News, 63 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (off sales only):
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 10:00 to 22:30

Day 1 - 61 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (off sales only):
 - Monday to Saturday: 06:00 to 01:00 (the following day)
 - Sunday: 06:00 to 00:00 (midnight)

The Pidgeon Hole Café Bar, 2 Datchelor Place, London SE5 7AP

- The sale by retail of alcohol (on sales only):
 - Monday to Sunday: 12:00 (midday) to 23:00

The New Dome Hotel, 51-53 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (on sales only):
 - Monday to Saturday: 10:00 to 00:00 (midnight)
 - Sunday: 10:00 to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday: 23:00 to 00:30 (the following day)
 - Sunday: 23:00 to 00:00 (midnight)

Silk Road Restaurant, 49 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (both on and sales):
 - Monday to Saturday: 10:00 to 23:00
 - Sunday: 10:00 to 22:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday: 23:00 to 23:30

Caravaggio, 47 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (on sales):
 - Monday to Sunday: 10:00 to 00:00 (midnight)
- The provision of late night refreshment (indoors):
 - Monday to Sunday: 23:00 to 00:30 (the following day)
- The provision of regulated entertainment in the form of recorded music (indoors):
 - Monday to Sunday: 10:00 to 00:30 (the following day)

Tadim Café/Cycles PS Ltd, 41 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (on sales):
 - Monday to Sunday: 12:00 (midday) to 23:00
- The provision of regulated entertainment in the form of recorded music (indoors):
 - Monday to Sunday: 09:00 to 23:00

Kentucky Fried Chicken, 35 Camberwell Church Street, London SE5 8TR

- The provision of late night refreshment (indoors)
 - Sunday to Thursday: 23:00 to 02:00 (the following day)
 - Friday and Saturday: 23:00 to 03:30 (the following day)

The Crooked Well, 16 Grove Lane, London SE5 8SF

- The sale by retail of alcohol (both on and off sales):
 - Sunday to Thursday: 10:00 to 00:00 (midnight)
 - Friday and Saturday: 10:00 to 01:00 (the following day)
- The provision of late night refreshment (indoors):
 - Sunday to Thursday: 23:00 to 00:00 (midnight)
 - Friday and Saturday: 23:00 to 01:00 (the following day)
- The provision of regulated entertainment in the form of films, recorded and live music (indoors):
 - Sunday to Thursday; 10:00 to 00:00 (midnight)

- Friday and Saturday: 10:00 to 01:00 (the following day)

The Hill Bakery and Deli, 4a Grove Lane, London SE5 8SY

- The sale by retail of alcohol (off sales only):
 - Monday to Thursday: 09:00 to 19:00
 - Friday and Saturday: 10:00 to 20:00
 - Sunday: 10:00 to 16:00

Hermit's Cave, 28 Camberwell Church Street, London SE5 8QU

- The sale by retail of alcohol (both on and off sales):
 - Sunday to Thursday: 10:00 to 01:00 (the following day)
 - Friday and Saturday: 10:00 to 02:00 (the following day)
- The provision of late night refreshment (indoors):
 - Sunday to Thursday: 23:00 to 01:00 (the following day)
 - Friday and Saturday: 23:00 to 02:00 (the following day)
- The provision of regulated entertainment in the form of films, performances of dance, recorded and live music (indoors):
 - Sunday to Thursday: 10:00 to 01:00 (the following day)
 - Friday and Saturday: 10:00 to 02:00 (the following day)

Angels and Gypsies, 29-33 Camberwell Church Street, London SE5 8TR

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday: 11:00 to 00:00 (midnight)
 - Sunday: 12:00 (midday) to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday: 23:00 to 00:30 (the following day)
 - Sunday: 23:00 to 23:30

Stormbird, 25 Camberwell Church Street, London SE5 8TR

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Wednesday: 10:00 to 00:00 (midnight)
 - Thursday: 10:00 to 02:00
 - Friday and Saturday: 10:00 to 03:00 (the following day)
 - Sunday: 10:00 to 00:00 (midnight)
- The provision of late night refreshment (indoors):
 - Monday to Wednesday: 23:00 to 00:00 (midnight)
 - Thursday: 23:00 to 02:00
 - Friday and Saturday: 23:00 to 03:00 (the following day)
 - Sunday: 23:00 to 00:00 (midnight)
- The provision of regulated entertainment in the form of recorded music, live music, films, and performance of dance (indoors):

- Monday to Wednesday: 10:00 to 00:00 (midnight)
- Thursday: 10:00 to 02:00
- Friday and Saturday: 10:00 to 03:00 (the following day)
- Sunday: 10:00 to 00:00 (midnight).

Camberwell Cumulative Impact Policy (CIP)

26. On 5 November 2008, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Camberwell area.
27. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night, alcohol-related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
28. The effect of this special policy is to create a presumption that applications for new premises licenses or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
29. The boundary of the area is defined as follows: from Camberwell New Road at the junction with Wyndham Road progressing via Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crespigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.
30. The classes of premises to which the policy applies is defined as follows: night clubs, pubs and bars, off-licences, grocers, supermarkets, convenience stores and similar premises.
31. The applicant has been advised to address the committee's concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

32. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
 - Section 5 – Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local Cumulative Impact Policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 – Hours of Operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and

(planning) area classification. To be read in conjunction with Appendix B to the policy.

- Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
 - Section 9 – Public Safety. This provides general guidance on the promotion of the second licensing objective.
 - Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
 - Section 11 – The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
33. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
34. Within Southwark’s statement of licensing policy, the premises are identified as being within the Camberwell CIP Area. Under the Southwark statement of licensing policy 2016 - 2020 the local CIP applies to the following premises:
- night clubs, pubs and bars, off-licences, grocers, supermarkets, convenience stores and similar premises
35. The premises is also within the Camberwell district town centre area. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the following categories of premises:
- Restaurants and cafes:
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00
 - Public houses, wine bars or other drinking establishments:
 - Sunday to Thursday: 23:00
 - Friday and Saturday: 00:00
 - Night clubs (with sui generis planning classification):
 - Sunday to Thursday: 00:00
 - Friday and Saturday: 01:00.

Resource implications

36. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value bands D/E.

Consultation

37. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

38. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

39. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
40. The principles which sub-committee members must apply are set out below.

Principles for making the determination

41. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
42. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
43. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - To exclude from the scope of the licence any of the licensable activities to which the application relates
 - To refuse to specify a person in the licence as the premises supervisor
 - To reject the application.

Conditions

44. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
45. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance

- The protection of children from harm.
46. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
 47. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
 48. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

49. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

Hearing procedures

50. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
 - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
51. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

52. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
53. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
54. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
55. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
56. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
57. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
58. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
59. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

60. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members

may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

61. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by Responsible Authorities – un-conciliated
Appendix C	Representation submitted by environmental protection team-conciliated
Appendix D	Representations submitted by other persons
Appendix E	Response from applicant to other persons
Appendix F	Notice of decision from licensing sub-committee of 16 October 2017
Appendix G	Copy of current premises licence
Appendix H	Notices of decisions from 6 December 2013 and 8 April 2014
Appendix I	Map of the local area

AUDIT TRAIL

Lead Officer	Mick Lucas, Director of Environment	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	25 April 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		26 April 2010

APPENDIX A

11/03/2019

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 1196008

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Norman Smith
--	--------------

Premises Details

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	21250
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	The Dutchie
--	-------------

Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	58A CAMBERWELL CHURCH STREET
Address Line 2	
Town	LONDON
County	
Post code	SE5 8QZ
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

	a person other than an individual (limited company, partnership etc)
--	--

If you are applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	---

Other Applicants

Personal Details - First Entry

Name	NMAS ENTERPRISE LTD
------	---------------------

Address - First Entry

Street number or building name	3 The Arcade
Street Description	32-34 High Street
Town	croydon
County	surety
Post code	cr01yb
Registered number (where applicable)	08876305
Description of applicant (for example, partnership, company, unincorporated association etc)	Limited Company

Contact Details - First Entry

Telephone number	██████████
Email address	████████████████████

Operating Schedule

When do you want the premises licence to start?

	01/04/2019
--	------------

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--

General description of premises (see guidance note 1)

	<p>The premises comprise of a ground floor and basement floor and will operate as The Dutchie Restaurant & Bar, our third site. The ground floor will be the reception & seating area as well as counter for customer ordering takeaway meals. Some booth seating for customer will also be available on the ground floor. The main restaurant seating areas, kitchen, bar area, storage and conveniences will be located on the basement floor. Alcoholic and non alcoholic beverages will be served with meals as well as at the bar for consumption in the restaurant or bar area (there will be no off supplies of alcohol). Low volume background music, recorded music will be played and we will have the occasional 'pop up' live music performances of Jazz, R&P, el al to serenade and entertain our restaurant guests. The basement & ground floor area has an emergency exit route in addition to the main way in.</p>
--	--

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Operating Schedule part 2

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

	e) live music
	f) recorded music

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

	j) Supply of alcohol
--	----------------------

E - Live Music

Will the performance of live music take place indoors or outdoors or both? (Please read guidance note 3)

	Indoors
--	---------

Please give further details here (Please read guidance note 4)

	We will on occasion have live singing & of DJ playing music to entertain our restaurant guests. This will typically be on Fridays and Saturdays.
--	--

Standard days and timings for Live Music (Please read guidance note 7)

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	00:00
Sat	00:00	01:30
	11:00	00:00
Sun	00:00	01:30
	11:00	23:00

State any seasonal variations for the performance of live music (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. (Please read guidance note 6)

	Where Monday is a public Holiday 00:00- 02:30 Yearly October 1st, August 1st and August 6th 00:00- 02:30 the following day
--	--

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (Please read guidance note 3)

	Indoors
--	---------

Please give further details here (Please read guidance note 4)

	Recorded music will be played at background music volume to create an atmosphere throughout the restaurant. On Fridays and Saturday and during live performances, recorded music will be played at 'bar volume'.
--	--

Standard days and timings for Recorded Music (Please read guidance note 7)

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	00:00
Sat	00:00	01:30
	11:00	00:00
Sun	00:00	01:30
	11:00	23:00

State any seasonal variations for playing recorded music (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. (Please read guidance note 6)

	Where Monday is a public Holiday 00:00- 02:30 Yearly October 1st, August 1st and August 6th 00:00- 02:30 the following day
--	--

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 3)

	Indoors
--	---------

Please give further details here (Please read guidance note 4)

	Late night refreshment will be sold to customer wishing to dine in the restaurant or for takeaway.
--	--

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon		
	23:00	00:00
Tues		
	23:00	00:00
Wed		
	23:00	00:00
Thur		

	23:00	00:00
Fri		
	23:00	00:00
Sat	00:00	01:30
	23:00	00:00
Sun	00:00	01:30
	23:00	00:00

State any seasonal variations for the provision of late night refreshment (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 6)

	Where Monday is a public Holiday 00:00- 02:30 Yearly October 1st, August 1st and August 6th 00:00- 02:30 the following day
--	--

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 8)

	On the premises
--	-----------------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

Day	Start	Finish
Mon	11:00	00:00
Tues	11:00	00:00
Wed	11:00	00:00
Thur	11:00	00:00
Fri	11:00	00:00
Sat	00:00	01:30
	11:00	00:00
Sun	00:00	01:30
	11:00	00:00

State any seasonal variations for the supply of alcohol (Please read guidance 5)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

	Where Monday is a public Holiday 00:00- 02:30 Yearly October 1st, August 1st and August 6th 00:00- 02:30 the following day
--	--

Please download and then upload the consent form completed by the designated proposed premises supervisor

--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Norman
Surname	Smith

DOB

Date Of Birth	██████████
---------------	------------

Address of proposed designated premises supervisor

Street number or Building name	████
Street Description	██████████
Town	██████████
County	██████
Post code	██████████

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number (if known)	██████████████████
Issuing authority (if known)	Croydon

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (Please read guidance note 9)

	None
--	------

L - Hours premises are open to public

Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	00:00	01:30
	08:00	00:00
Sun	00:00	01:30
	08:00	00:00

State any seasonal variations (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

	Where Monday is a public Holiday 00:00- 02:30 Yearly October 1st, August 1st and August 6th 00:00- 02:30 the following day
--	--

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	<p>The Applicant (NMA Enterprise Ltd T/A The Dutchie) has been operating The Dutchie Restaurant & Bar since April 2016 and plan to open our third location at 58a Camberwell Church Street, London, SE5 8QZ.</p> <p>We are responsible operators that were granted a premises license to operate our first restaurant & bar at 3 The Arcade, 32-34 High Street, Croydon, CR0 1YY - a premises that had its license revoked in 2011 and sat dormant until we took it on April 2016.</p> <p>We take all aspects of the licensing objectives very seriously and will operate in line with council policies and regulations as we view these not as hindrances but as further means to protect our, customers, employees, brand and business.</p>
--	---

b) the prevention of crime and disorder

	<p>&#61656; The following actions, mode of operating and procedures will be taken/ followed to meet this objective:</p> <p>&#61656; All staff will be required to keep a watchful eye as they carry out their duties to keep safety and security at a high level.</p> <p>&#61656; CCTV will be positioned at the entrance such that a clear face shot of patrons can be captured to serve as a safety mechanism and a strong deterrent of</p>
--	---

	<p>crime within the venue or the surrounding area, as the individual will be easily identifiable.</p> <p>Signs to inform patrons that CCTV recording is being taken will be displayed at the entrance and within.</p> <p>CCTV will be strategically installed throughout the restaurant and the outside.</p> <p>The entrance, windows and emergency exits will be secured to prevent any admittance from the public or any individual attempting to gain access to the building illegally.</p> <p>In the unlikely event of customers undertaking criminal activity in and around the premises, we will not hesitate to make them known to the authorities.</p> <p>The entrance, exit and strategic points in the property will be fitted with CCTV surveillance.</p> <p>CCTV recording will be stored and made readily available to any authority wanting access.</p> <p>SIA license door staff will be present at the entrance after standard restaurant hours and during any special events, acting as deterrent and protecting the premises and the patrons.</p> <p>We will (as we currently do at other premises) operate a zero tolerance policy on disorder and bad behaviour where perpetrators will be banned from the premises.</p> <p>We will (as we currently do at other premises) operate a zero tolerance policy on drugs.</p> <p>All security staff will wear high visibility and or security labelled clothing to deter disorder or individuals loitering.</p> <p>Money will be kept out of sight and locked away.</p> <p>A no search no entry policy will be in operation at the door for customers wishing to avail themselves of the bar after 23:00.</p> <p>Customers will be discouraged from loitering outside the premises and signs reminding them to leave considerably will be displayed.</p> <p>We will institute a written drugs policy to which all employees must adhere to.</p>
--	--

c) public safety

	<p>All corridors and stairways will be kept clear of any obstructions; the maintenance of this would be checked on a regular basis.</p> <p>Fire extinguishing equipment will be located throughout the space, and staff will be made aware of the location of all equipment and be informed of their uses. Relevant training procedures will be followed.</p> <p>A health and safety checklist will be completed, and the management team will be required to complete the checklist on a regular basis.</p> <p>Fire alarm points will be clearly situated throughout the building, so that in an event of a fire the alarm can be raised at once.</p> <p>A first aider will always be on duty during the opening hours. First aid equipment will be kept onsite and a spare in the management's office, which will also be checked as a result of going through the regular checklist.</p> <p>A record of all incidents will be kept in a log with details of what took place and all the relevant details of the incident.</p> <p>Help and assistance will be available from all staff, i.e. help to locate public transport during closing time, a license taxi number or have a license taxi called to the venue if</p>
--	---

	<p>so required.</p> <p>A management log would be kept and written in at the end of each event, outlining the day's operation. Also noting if there are any repairs to be made or anything replaced. A special note would be made on accidents / incidents to improve the experience and public safety for all and also making changes ensuring that the same incidents / accidents are reoccurring.</p> <p>SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded.</p>
--	--

d) the prevention of public nuisance

	<p>When on duty, SIA door staff will keep a visible presence at the premises door and a visible eye on the surrounding areas.</p> <p>A ban will be used on any individual the manager or security team feel may be a nuisance to enter the venue or may cause disorder or disruption to him or herself or the public.</p> <p>No admittance / No service to intoxicated people at any time.</p> <p>Door staff will assist the patrons at closing time or at any time if help should be needed. In order to get the venue and the surrounding area cleared, staff will ensure the patrons leave safely and the venue is checked and cleared at the end of each night.</p> <p>Customers wanting to smoke outside will be directed away the residential street Camberwell Grove & Datchelor Place.</p> <p>The staff and security will ensue that customers do not congregate or loiter outside and particularly on the residential street Camberwell Grove & Datchelor Place.</p> <p>Customers will be notified to leave quietly and to respect our neighbours .</p> <p>Any customer seen loitering on the residential street Camberwell Grove & Datchelor Place will be moved on.</p>
--	--

e) the protection of children from harm

	<p>We will operate a strict Challenge 25 policy where customers wanting to purchase alcoholic beverages that do not look 25 or older will be asked for official identification.</p> <p>All front of house staff will be trained in operating challenge 25.</p> <p>All children on the premises will be accompanied by a responsible adult.</p>
--	--

Please upload a plan of the premises

--	--

Please upload any additional information i.e. risk assessments

--	--

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying
--	--

Home Office Declaration

Please tick to indicate agreement

	I am a company or limited liability partnership
--	---

Declaration

I agree to the above statement

	Yes
PaymentDescription	██████████,
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Norman Smith
Date (DD/MM/YYYY)	11/03/2019
Capacity	MD NMAS Enterprise

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

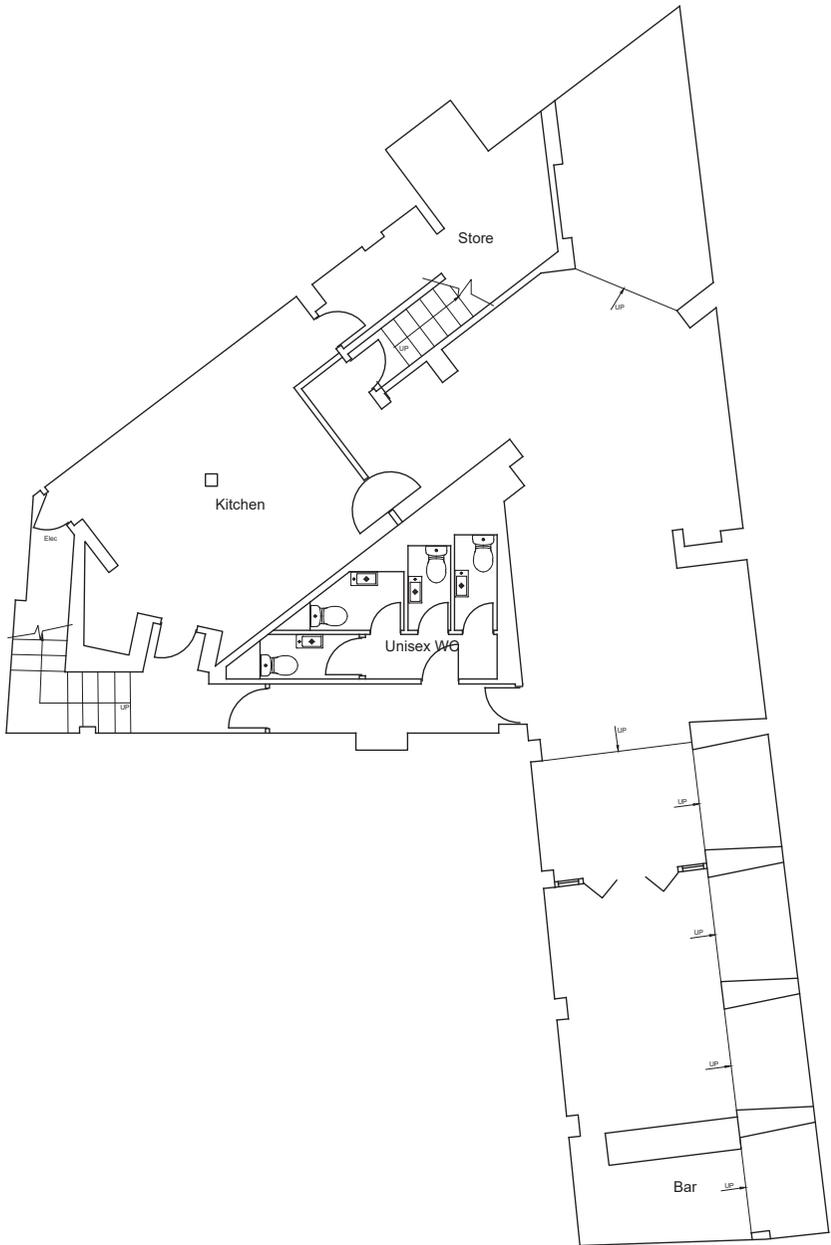
Full name	
Date (DD/MM/YYYY)	11/03/2019
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	NMAS Enterprise Ltd 3 The Arcade 32-34 High Street Croydon CR0 1YB
---	--

Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.





APPENDIX B

The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/049/19

Date: 9th April 2019

Re:- The Dutchie, 58a Camberwell Church Street, London SE5 8QZ

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003 for the following hours

Premises open to the public	07:00 to 01:30 Fri - Sat 07:00 to 00:00 Sun - Thurs
Sale of alcohol	11:00 to 01:30 Fri - Sat 11:00 to 00:00 Sun - Thurs
Late Night Refreshments	23:00 to 01:30 Fri - Sat 23:00 to 00:00 Sun – Thurs
Recorded Music	11:00 to 01:30 Fri - Sat 11:00 to 00:00 Sun – Thurs
Live Music	11:00 to 01:30 Fri - Sat 11:00 to 00:00 Sun - Thurs

The operating schedule indicates that this is for restaurant and bar.

The premises is located in a Camberwell Cumulative Impact Zone, and is designated a District Town Centre by the Southwark Council Licensing Policy. This changes the presumption to grant the application to that of refuse. This is tested in law in the case of Westminster City Council V Middlesex Crown Court in which the crown court judge summarised that “Notwithstanding the applicant was a fit and proper person a licence could be refused on the sole ground that the area was already saturated”.

The hours applied for are outside of the policy. The latest terminal hour would be 00.00hrs Sunday to Thursday and 01.00hrs Friday and Saturday for a restaurant and 23.00hrs and midnight respectively for a bar under the current policy.

The premises has previously benefitted from having a premises licence that was revoked by the licensing subcommittee and a closure order was also obtained from Camberwell magistrates court due to the issues associated with the premises.

Within the operating schedule, the applicant indicates that it has, two other venues located in Croydon and that they have been operated responsibly since 2016. Enquires made with the police licensing officer for Croydon reveals that this is not the case. On the 9th May 2018, a section 19 closure notice was issued for a number of breaches of the licence including CCTV not being compliant, staff training, drugs policy, production of the licence and failing to comply with conditions around regulated entertainment.

On another licensing visit, Officers were asked to leave, staff told not to cooperate with officers, and the manger was aggressive towards police. The venue advertises monthly nightclub type events at the premises on social media and incidents of disorder have initiated in close proximity to the venue entrance, linked to the venue.

The police as a result object to the granting of the application in full, as we believe that the applicant would not comply with conditions placed on the licence and would move towards the previous nightclub operation that caused issues and resulted in revocation and closure order being obtained from the court.

No exceptional circumstances have been presented within the application, but if the application is granted, it should be for a restaurant licence, which do not come under the cumulative impact policy for Camberwell.

A number of the control measures have been offered by the applicant within the operating schedule, however the application fails to give many enforceable control measures and the Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable.

The police would recommend that the following conditions to be included on the licence if the subcommittee feel appropriate, some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.

The following should be considered as conditions of the premises licence as a minimum but further conditions should be on the licence dependent on what is granted by the committee. I would expect to have a condition requiring SIA including how many, the days and times employed.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises, all public areas, food service counter and pavement immediately outside the front.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
4. Signage on entrance/exit requesting customers to respect neighbours and leave quietly.

5. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals there and as an ancillary to that person's meal.
6. No alcohol shall be taken outside of the premises at any time.

In addition to the above, I notice that the operating schedule does not allow for any drinking up time to allow for the slow and safe dispersal of patrons. I recommend a drinking up time of 30 minutes. This could be achieved through a change in times for the supply of alcohol or a specific condition detailing the 30 minutes drinking up time.

Submitted for your consideration.

Yours Sincerely

PC Graham White
Police licensing officer

MEMO: Licensing Unit

To	Licensing Unit	Date	10 April 2019	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	jayne.tear@southwark.gov.uk			

Subject Re: The Dutchie, 58A Camberwell Church Street, London SE5 8QZ

- Application for a premises licence

I write with regards to the above application for the grant of a premises licence submitted by NMAS Enterprise Ltd under the Licensing Act 2003 which seeks the following licensable activities:

- Live music and recorded music (indoors) on Sunday to Thursday from 11:00 to 00:00 and on Friday and Saturday from 11:00 to 01:30 the following day
- Late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:30 the following day
- The supply of alcohol (not clear from the application whether on/off or both) on Sunday to Thursday from 11:00 to 00:00 and on Friday and Saturday from 11:00 to 01:30 the following day
- Overall opening times shall be on Sunday to Thursday from 07:00 to 00:00 and on Friday and Saturday from 07:00 to 01:30 the following day

Non standard timings requested for licensable activities and opening hours:

- All licensable activities shall be extended from the end of permitted hours on a public holiday 00:00 – 00:00
- Yearly October 1st, August 1st and August 6th 00:00-02:30, 11:00-00:00 (these hours are conflicting)

The premises is described as a *'The premises comprise of a ground floor and basement floor and will operate as The Dutchie Restaurant & Bar, our third site. The ground floor will be the reception and bar area. Some booth seating for customer will also be available on the ground floor. The main restaurant seating areas, kitchen, storage and conveniences will be located on the basement floor. Alcoholic and non alcoholic beverages will be served with meals as well as at the bar for consumption in the restaurant. Low volume background music recorded music will be played and we will have the occasional 'pop up' live music and Jazz, R & P, et al to serenade and entertain our restaurant guests. The basement & ground floor area has an emergency exit route in addition to the main way in'*.

The applicant states in part M (a) of the application that:

"The Applicant (NMA Enterprise Ltd T/A The Dutchie) has been operating The Dutchie Restaurant & Bar since April 2016 and plan to open our third location at 58a Camberwell Church Street, London, SE5 BQZ.

We are responsible operators that were granted a premises license to operate our first restaurant & bar at 3 The Arcade, 32-34. High Street, Croydon, CRO 1YY- a premises that had its license revoked in 2011 and sat dormant until we took it on April 2016.

Licensing Unit – Community Safety, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director of Environment & Leisure - Gill Davies

Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

We take all aspects of the licensing objectives very seriously and will operate in line with council policies and regulations as we view these not as hindrances but as further means to protect our, customers, employees, brand and business.”

The applicant has not provided and evidence to support that they are responsible operators at their Croydon address and I reserve the right to make further representation on this issue should evidence be found or suspended after the consultation period.

The premises is situated in Camberwell District Town Centre Area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times are as follows:

- Restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours
- Public Houses Wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.

This premises is also situated within the saturation area for Camberwell. The effect of this special policy is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The classes of premises to which the policy applies in the Camberwell area is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores and similar premises.

My representation is submitted with concerns for the prevention of public nuisance and the prevention of crime and disorder.

The application describes the premises as a restaurant in the basement which would not fall under the classes of premises defined for the saturation area in Camberwell, however the ground floor area would be operated as a bar which would fall under the type of premises to which the saturation policy would apply as described within Southwark's Statement of Licensing Policy.

To avoid any ambiguity with regards to whether the premises should be addressing the negative cumulative impact if it were to operate as a bar I would request the following condition, which would be consistent with a restaurant, is added to the operating schedule:

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal on both the ground floor and basement.
 - To bring the hours of operation in line with that which is appropriate for this area in the licensing policy line for a restaurant as follows:
1. Restaurants and cafes on Sunday to Thursday is 00:00 hours and for Friday and Saturday is 01:00 hours (and for the licensable activities to cease half an hour before the closing times)

There has not been any time left between the last sale of alcohol 'on sales' and the closing time when patrons should have left the premises, this can lead to conflict between staff and the customer having purchased an alcoholic drink for consumption on the premises minutes before closing time and being asked to either finish the drink or hand it back and to leave the premises. Additionally this will encourage patrons to rush consumption of alcoholic drinks at the same time of closing which can lead to antisocial behaviour problems when patron have left the premises

Licensing Unit – Community Safety, Hub 2, 3rd Floor, PO Box 64529, London SE1P 5LX

Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director of Environment & Leisure - Gill Davies

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If it is not possible to add the restaurant condition above to the premises licence then I ask the applicant to bring the hours of operation in line with that which is deemed appropriate for a bar within this area in the licensing policy which are:

2. Public Houses Wine bars or other drinking establishments on Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours. (and for the licensable activities to cease half hour before the closing times)

Further to this the applicant would have to address negative cumulative impact if it were to operate as a bar. This application does not address cumulative impact.

Due to the limited information on the application form and further promote the licensing objectives I ask the applicant to provide the following information:

- An accommodation limit for the premises (to be conditioned)
- To provide a written dispersal policy for the premises. (to be conditioned)

The application is confusing and I am not sure whether the applicant is asking for the supply of alcohol 'on/off the premises or both as that part of the application has not been ticked. Presuming that the application also wants 'off sales' I would also ask for the following conditions to be added to the premises licence should it be granted:

- Any 'off sales' of alcohol shall be provided in sealed containers and taken away from the premises
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises

The ground floor of the premises currently holds a licence (no 865254). Before that licence was granted there was a licence held by the freehold owner of the premises which covered both the ground floor and basement although there were 2 different businesses operating on the same licence with the ground floor being operated as a restaurant and the basement operated as a nightclub. This licence was revoked by LSC following a review hearing.

I therefore submit this representation and welcome any discussion with the applicant.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Jayne Tear
 Principal Licensing officer
 In the capacity of the Licensing Responsible Authority

**Place and wellbeing department**

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

EH & TS Licensing Unit
Regulatory Services
Licensing Team
Hub 1 3rd Floor
160 Tooley Street
SE1 2QH

Your Ref:**Our Ref:** 19-CE-00159**Contact:** Alison Brittain**Telephone:** 020 7525 5427**Fax:** 020 3357 3101**E-Mail:** planning.enquiries@southwark.gov.uk**Web Site:** <http://www.southwark.gov.uk>**Date:** 19/03/2019

Dear Sir/Madam

Premises Licensing re:

THE DUTCHIE, 58A CAMBERWELL CHURCH STREET, LONDON, SE5 8QZ

Summary description: New Premises Licence**Date Received:** 13/03/2019

Thank you for the consultation on the above.

Planning permission was granted in 1993 for use of the ground floor as a restaurant. No hours condition was imposed. Planning permission was also granted in 1995 for use of the basement as a restaurant bar with live music, and again, no hours condition was imposed.

As such, I have no comments raising licensing objectives.

Yours faithfully

Alison Brittain

DC Group Manager - East -Team 1

Heron, Andrew

From: Fox, Roy
Sent: 10 April 2019 18:06
To: Regen, Licensing; [REDACTED]
Cc: Heron, Andrew; 'Graham.S.White@met.police.uk'
Subject: The Dutchie, 58A Camberwell Church Street, SE5

Dear Sir/Madam

Re: Premises Licence Application 867262 - The Dutchie, 58A Camberwell Church Street, SE5

This representation is made by the Environmental Protection Team on behalf of the Environmental Health Responsible Authority and relates to the Licensing Objective, 'the prevention of public nuisance'. The application relates to the sale of alcohol, the provision of regulated entertainment and to the provision of late night refreshment. The Environmental Protection Team wishes to object to this application. The grounds for objection are presented below.

- The times that have been applied for in the application for all regulated activities falls outside of those contained within the Southwark Statement of Licencing Policy 2016-2020 for this area, which is subject to the Camberwell cumulative impact policy. This policy indicates that the closing times of restaurants should be 00:00 hours Sunday to Thursday and 01:00 Friday & Saturday. The application has applied for a finish time for the supply of alcohol, for late night refreshment and for regulated entertainment beyond these hours. It is considered that the use of these premises for licensable activities to extended hours (relative to the policy) in this residential area increases the possibility for public nuisance to arise. The applicant has not demonstrated how the premises may be used as a bar with music, including live music, without the risk for public nuisance to arise.
- The proposal for live music in the premises at all times it is open has a high likelihood for disturbance and public nuisance to impact on residents above the premises and in the adjoining building.
- The application includes extended hours for later opening on 1st & 6th August and 1st October each year, including for live music. These days will regularly fall midweek leading to an increased risk for disturbance and nuisance. Correspondence with the applicant has revealed that these days correspond to certain public holidays in the Caribbean and has offered to restrict the extended hours to only when the dates arise on a Friday or Saturday. This is expanded upon further below.

In order to progress the application, I would be happy to withdraw this objection if agreement is given to the following:

- the timings of the licensable activities shall be amended so that they meet those stated in the Southwark Statement of Licencing Policy 2016-2020 for this area for restaurants. This would include the basement area. The end time for licensable activities should correspondingly be reduced to at least 30 minutes before the closing time to enable consumption of alcohol and food purchased.
- Alcohol must be served only with a substantial table meal within the premises.
- Drinks in open vessels purchased whilst within the premises may not be taken outside for consumption.
- No live music should be played within the premises that is audible within the residential premises above or adjoining the premises under consideration ('The Dutchie') and recorded music shall be background music only.
- An additional one hour for the closing time and licensable activities is permissible on the 1st or 6th August and 1st October in any year when this date arises on a Friday or Saturday.

Regards,

Roy Fox
 Principal Environmental Protection Officer

Heron, Andrew

From: Fox, Roy
Sent: 23 April 2019 13:02
To: Heron, Andrew
Cc: [REDACTED]
Subject: FW: The Dutchie, 58A Camberwell Church Street, SE5

Andrew

Please see the email response below from Norman Smith, the applicant for premises licence application 867262 for The Dutchie, 58A Camberwell Church Street, SE5, in which he has agreed to the conditions I recommended. Please incorporate these conditions into the operating schedule in which case I will withdraw my representation.

Regards,

Roy Fox
Principal Environmental Protection Officer

Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX

020 7525 2458

www.southwark.gov.uk



From: [REDACTED]
Sent: Thursday, April 18, 2019 3:55 PM
To: Fox, Roy
Subject: Re: The Dutchie, 58A Camberwell Church Street, SE5

Dear Mr Fox,

I formally agree these conditions.

Your sincerely

Norman Smith

On Apr 18, 2019, at 3:05 PM, Fox, Roy <Roy.Fox@southwark.gov.uk> wrote:

Mr Smith

Apologies for the delay responding to you. In order to progress this matter we will need to formally agree the wording of the additional conditions as per our earlier emails. Please confirm agreement with the following conditions to be added to the operating schedule (note that I have used your suggestion for recorded music but added live music to it, or else you may agree to no live music):

- No live or recorded music should be played within the premises that is audible within the residential premises above or adjoining the premises under consideration ('The Dutchie').
- The closing time of the premises shall be no later than 00:00 hours on Sundays to Thursdays and 01:00 hours on Fridays and Saturdays.
- In any year when the 1st or 6th August and 1st October occurs on a Friday or Saturday the closing time is permitted until 02:00 hours on those days.
- The end time for all licensable activities shall be at least 30 minutes before the closing time to enable consumption of alcohol and food purchased.
- Alcohol must be served only with a substantial table meal within the premises.
- Drinks in open vessels purchased whilst within the premises may not be taken outside for consumption.

Regards,

Roy Fox
Principal Environmental Protection Officer

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Box 64529 | London | SE1P 5LX

020 7525 2458

www.southwark.gov.uk

<image001.jpg>

From: Norman Smith [REDACTED]
Sent: Wednesday, April 10, 2019 7:03 PM
To: Fox, Roy
Subject: Re: The Dutchie, 58A Camberwell Church Street, SE5

Dear Mr Fox,

Thank you for your email.

Most of the terms are agreeable, I only ask that the condition for recorded music be:

No recorded music should be played within the premises that is audible within the residential premises above or adjoining the premises under consideration ('The Dutchie').

I hope that you find this agreeable.

Regards
Norman Smith

On 10 Apr 2019, at 18:05, Fox, Roy <Roy.Fox@southwark.gov.uk> wrote:

No live music should be played within the premises that is audible within the residential premises above or adjoining the premises under consideration ('The Dutchie') and recorded music shall be background music only.

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed.

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PERSON 1
(Councillors)

From: Wingfield, Ian
Sent: Monday, April 01, 2019 12:29 PM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Objections to Licensing Application for 58a Camberwell Church Street SE5

To: Southwark Licensing

We are writing to support our constituents' objections to the above referenced licence application.

We do so on the basis that the application is at variance with all the four licensing objectives.

The history of this premises goes back to the 1990s when after a long period as a discrete restaurant and jazz bar, it became a major venue in different incarnations (Glow Room, Kalabash, etc) for DJs' promotions attracting an unruly element engaged in anti-social behaviour (ASB), drug dealing, knife crime and the possession of firearms. This situation was exacerbated by the holding of 'private parties' when patrons were 'invited' to attend the premises which caused all sorts of problems given their unregulated nature. The Police were firmly of the view that the local authority should exercise its full regulatory powers to bring this premises under control. In fact on a number of occasions local residents and Councillors had to give evidence to the Magistrates Courts defending the Licensing Committee's decisions.

The position now is that we have a primarily residential street that has seen relative peace from ASB where residents' families can live and sleep in peace. They can enjoy a good quality of life without the fear of late night drunken unruliness, physical fighting, loud noise, vomiting, lewdness, licentiousness, urinating, criminal damage and widespread litter blighting their lives. This premises because of its situation has acted and will continue to act, if this application is granted, as a magnet for ASB of all descriptions.

It is therefore with great trepidation that residents' view the present application as having the potential to cause a great detrimental impact on the quality of their lives.

Residents quite rightly express their concerns that the last addition a highly residential area recognised as a Conservation area, such as Camberwell Grove, requires is a late night restaurant, bar and night club. Since the many previous applications the area near the premises has been developed into separate town houses and flats in the old Mary Datchelor School building. Many of the families living in these homes have young children and some residents are elderly and vulnerable. In addition no other premises in Camberwell Grove enjoys such extended hours.

The hours applied for are particularly inappropriate for such a residential area bearing in mind that the main entrance to the premises is on Camberwell Grove and not Camberwell Church Street. The only place to park for patrons, taxis and deliveries would also be Camberwell Grove. A night club/bar to be opened at the site - especially one with [a](#)

[1.30am](#) closing time on weekends and [2.30am](#) on public holidays and 3 additional days in the year is highly inappropriate for such a residential environment. The previous experience of such late hours was even though the licence was [until 1.30/2.30am](#) patrons were still present and leaving the premises until [3.30-5.00am](#) and in one recorded case [until 6.45am](#). In addition unlicensed food vendors operated in the street outside the premises' entrance at these hours serving food from an open BBQ pit [until 7.00am](#).

We also note the following:

- the plans for [1.30am](#) licensed activities on the weekends is later than the two other licensed premises on Camberwell Grove and so patrons as before will spill out onto Camberwell Grove making noise, leaving rubbish and urinating in front gardens and engage in other ASB.
- The previous Club Couture attracted unsavoury elements engaged in crude drug dealing both in and outside the premises. At a time when knife crime and gang activity is on the increase across London and in Southwark especially, it would be a retrograde step to grant this license application only serving to fuel the fires of lawlessness. This being at a time when the Camberwell Police Station has been closed for good this would only add to public anxiety over an increase in ASB. The Police as it is have limited resources and are already overstretched in Southwark, agreeing this licence would cause increased pressure on those scarce resources.
- The premises itself has been unoccupied and unmaintained for a number of years. When the previous licence application was considered there was a condition that adequate soundproofing be installed to prevent noise pollution but this was never done. Local residents would wish to be assured before any licence is granted that the premises has been brought into a fully useable and hygiene condition with the relevant regulatory approvals before commencing operation.
- As mentioned above the reality is in practice that patrons will drift up Camberwell Grove, and so the late licence hours will disturb the residents in the early hours of the morning. More importantly children in the area need to be able to get a proper amount of sleep in order to do well in school – having people yelling and screaming in different stages of drunkenness until as late [as 2.30am](#) on school nights (i.e., the late request for public holidays and other dates will almost always fall the day before school) is not reasonable in such a residential area.
- This current application is inconsistent with the Camberwell's designation by Southwark Council as a alcohol saturation zone given the prevalence of such outlets in the surrounding Camberwell area.
- The most recent prior application had provisions for how to manage exiting patrons away from Camberwell Grove, how to limit numbers of smokers on Camberwell Grove, for meeting with local residents on a periodic basis and many more provisions to show that they wanted to be a good neighbour - there are no such provisions in this current application. This indicates that the applicant is not pre-disposed in engaging with local residents, nor to be concerned if their patrons cause ASB on leaving the premises.

On the basis of the above we submit our objections.

Regards,

Cllrs Radha Burgess, Jason Ochere, Ian Wingfield
Labour Members for St Giles Ward



Cllr Ian Wingfield
Labour Member for St Giles Ward



Heron, Andrew

From: Regen, Licensing
Sent: 25 March 2019 08:36
To: Enebeli, Emma
Cc: Heron, Andrew
Subject: FW: 58A Camberwell Church Street, SE5 8QZ, Licensing Application Number: 867262

Kirty Read

Processing Manager
 Southwark Council | Licensing | Regulatory Services
Tel: 0207 525 5748 | **Fax:** 020 7525 5705
EHTS Helpline: 020 7525 4261 | **Call Centre:** 020 7525 2000
Email: licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to [apply online](#)

Postal Address:

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:

160 Tooley Street | London | SE1 2QH

From: [REDACTED]
Sent: Sunday, March 24, 2019 8:20 PM
To: Regen, Licensing
Subject: Re: 58A Camberwell Church Street, SE5 8QZ, Licensing Application Number: 867262

Dear Sirs

A licence application has been made to Southwark Council to open a late night licence/ live music venue on the corner of Church Street and Camberwell Grove i.e the Club Couture site, which has caused significant problems in the past. See <http://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=867262>
 I understand that the venue would be a sister venue to this establishment: <https://www.the-dutchie.com>. Note however, that it is in the middle of Croydon Town Centre, not on the corner of a residential street.

I object to this application, having lived 3 doors away from this premises for the last 9 years. Whilst the address is technically Camberwell Church Street, it is physically located almost in it's entirety on Camberwell Grove. The main entrance is also on Camberwell Grove and the only place to park would be Camberwell Grove.

This is a popular residential road and the influx of families has significantly improved not only the image of Camberwell and as a bye product Southwark, but also lessened the type of street crime that was widespread in Camberwell previously.

I am extremely troubled by the latest proposal for that premises. The premises is in significant disrepair and is an old building. It does not have proper soundproofing and when it was operated previously it caused noise pollution that disturbed it's neighbours, including myself, every time it was used. In my submission it is not a premises that is suitable in it's current state to ever operate as a bar or nightclub with live music or otherwise.

The hours proposed are anti-social to the residents and will cause an interference to the enjoyment of our homes and our quality of life. Neither the Vineyard nor The Grove, also licensed premises on Camberwell Grove, have such hours.

However, my biggest concern is drug use, drug dealing, alcohol consumption and the related offences that arise. At a time when the government is trying to crack down on knife crime and there is no police station in Camberwell, I have legitimate concerns that this establishment will be a breeding ground for this type of associated offending. Even more so in light of the history of this venue, which I witnessed first hand.

Traditionally, drug dealers have gravitated to this particular stretch of footpath, more so when operating as a licensed premises, as it is off the busy road and there are plenty of places to pull in and park. I regularly witnessed drug dealing, smelt people smoking cannabis and found crack pipes in my front garden. An establishment of this nature is a magnet for drug dealers. If drug dealers do not have customers, they have no one to deal to. Since the closure of the previous club there has been a sharp decline of drug dealing on Camberwell Grove. This has not only reduced the level of criminal activity on Camberwell Grove, but also saved the public purse in terms of police call outs. I cannot see how it is justified in the current climate to allow this proposal, which would without a doubt require extra policing.

I would welcome an appropriate tenant into that building, for example, someone like the Vineyard, who is directly opposite my house and has never caused any anti-social behaviour or disturbances in all the years that I have been resident.

I believe that the Licensing Authority would be failing it's duty if this licence is granted.

Kind regards

[Redacted signature]

[Redacted address line 1]

[Redacted address line 2]

[Redacted address line 3]

[Redacted address line 4]

[Redacted address line 5]

[Redacted address line 6]

[Redacted address line 7]

[Redacted address line 8]

[Redacted address line 9]

[Redacted address line 10]

[Redacted address line 11]

PERSON 3

From: [REDACTED]
Sent: Wednesday, April 03, 2019 11:55 AM
To: Regen, Licensing
Cc: [REDACTED]
Subject: [REDACTED]

Dear Sirs

**Application for premises licence by The Dutchie for
58A Camberwell Church Street Licence Number 867262**

i am writing to object most strongly to the proposals for a premises licence at the above address. There is widespread opposition to the planned licence hours of up to 1.30 am on several days and i fully agree with the detailed letter sent to you on behalf of a number of Councillors by Mr Ian Wingfield.

There is an appalling history of problems caused by operators on this site and the licence was eventually withdrawn in 2013 after thirteen years in which local residents suffered from constant serious disturbances in the night. This is a quiet residential area and there is no place here for nightclub type activities or any activity which causes disturbances late at night and may encourage drug dealing and crime

The application does not show the true address which is actually on Camberwell Grove and the application does not state whether this is planned to be a restaurant, bar or night club. There is no mention of the conditions which we have required in the past and the application appears to be in possible breach of the Saturation Policy which has been established in the area.

The building is derelict and will require very substantial new investment to comply with the health and safety standards required. There is no evidence the The Dutchie is able to provide the funding required.

Yours sincerely

[REDACTED]

[REDACTED] [REDACTED]

Southwark Licensing Team
3rd Floor, Hub 1
POBox 64529
London SE1P 5LX

PERSON 3 CONT...

Dear Sirs

Licence Number 867262- the Dutchie

We have lived in Camberwell for over fifty years and I have been involved for some fifteen years in dealing with licensing problems on behalf of the Camberwell Society.

I am objecting most strongly to the above application by the Dutchie since it involves opening and other hours up to 1.30 am on Fridays and Saturdays in a quiet residential area in which many families live with their children. There are also apparently planned non-standard hours up to 2.30am on a number of days.

The application does not make it clear whether it is for the whole of a now derelict building-- formerly the subject of two separate licences-- or whether it is for a restaurant, a bar or a night club. It does not importantly state the number of persons who, under health and safety regulations, would be allowed on the premises.

There is a long history (some thirteen years) of deplorable conduct and breach of regulations by previous operators in these premises leading to the licences being withdrawn in about 2013, following united protest by residents, councillors and the police. This has led inevitably to great anxiety among local residents about any licence renewals and effects attitudes to new licence proposals.

The licence application may well be in breach of the Saturation Policy regulations which cover this area.

The entrance to the premises is not in Camberwell Church Street, as stated in the application, but into Camberwell Grove which is an important and improving residential area.

We would not normally object to licence applications for hours up to midnight as long as the operator is known to be reliable and with good management.

The problem with late night hours is that clients can spill out into the streets with no control over them. There are innumerable past recorded instances of disorder, screaming, threatening behaviour, people urinating into

neighbouring gardens ., vehicle doors being loudly slammed, damage to property and so on. This behaviour was so bad that at least one resident was forced to sell their house and move away. There are anxieties that late night hours might encourage drug dealing and crime.

There has been some research into the background of the Dutchie restaurant in Croydon. A comment from one client is extremely unfavourable. There is also thought to be a financial arrangement with a loan company of possibly dubious status. In these circumstances we have doubts whether the necessary funding would be available to bring a derelict building up to the standards of safety and health required. We are aware that a previous applicant was planning to spend £1..5 million in order to establish a restaurant here., but decided not to follow this up.

There would obviously be local support to bring an otherwise derelict building on a central site back into use on an acceptable basis.

Yours sincerely



(President Camberwell Society)

PERSON 4

[REDACTED]

Southwark Licensing Team
Hub 1, Floor 3
PO Box 64259
London SE1 5LX

1 April 2019

Dear Sir,

Application 867262 re 58A Camberwell Church Street: OBJECTION

We write to object to the application for a late night alcohol sales, refreshment and live/recorded music licence for the premises at 58A Camberwell Church Street, London SE5 8QZ. The hours applied for are: alcohol sales until midnight during the week, 1.30 am on Friday and Saturday. They are also asking for 2.30 on public holidays and three other dates during the year (1 October, 1 August and 6 August).

The grounds on which we object to this application are that this is a conservation and residential area where normal people go to work and have to get up in the morning. As our objections to previous applications have stated, any licence granted should be in line with the existing licences in Camberwell Grove. The Vineyard restaurant, on the opposite corner, is well established and also has an entrance within Camberwell Grove. Its licence is to 12pm and 11.30 on Sunday, but it is not in any way a "bar"; rather it is a quiet, pleasant family restaurant. The Grove (or whatever its current name may be), licensed 11 pm Sunday-Thursday, 12 pm Friday and Saturday, can cause disturbance, but at least it is not at 3 in the morning.

We are residents, about 100 metres from Club Couture. Over the years there has been a history of late night noise, car doors slamming, engines revving, shouting, swearing and public urination. We were also made aware of various sorts of criminal activity, including gun crime. And, of course, there are the major linked problems of drug dealing, gangs and knife crime. So we object on the grounds of **Public Nuisance**.

Which leads to **Safety of Children**. The above nuisance disturbs sleep and can be frightening. One family was forced to move after having "heavies" on their doorstep, bricks through their window etc, etc. This was some years ago, but those club premises have been an endless source of disturbance and trouble and any safeguards imposed on previous licence holders have been almost totally ineffective – leading to **Disorder**.

By way of historical background, we would draw your attention to Nicholas Roskill's letter of 10 October 2010 to MS Kirty Read (Senior Licensing Support Officer, Southwark Licensing Service) written on behalf of the Camberwell Society regarding 58A Camberwell Church Street. Finally, we also believe that the council has a saturation policy, where the sale of alcohol is concerned.

We beg you to refuse this application.

Yours sincerely,

[REDACTED]

PERONS 5**Heron, Andrew**

From: Lotsu, Godwin
Sent: 02 April 2019 12:21
To: Heron, Andrew
Subject: FW: Objection to Application 867262, for the premises of 58a Camberwell Church Street, London SE58QZ

867262 L1U attached

From: Regen, Licensing
Sent: Tuesday, April 02, 2019 8:35 AM
To: Lotsu, Godwin
Cc: Heron, Andrew
Subject: FW: Objection to Application 867262, for the premises of 58a Camberwell Church Street, London SE58QZ

From: [REDACTED]
Sent: Monday, April 01, 2019 8:13 PM
To: Regen, Licensing
Subject: Objection to Application 867262, for the premises of 58a Camberwell Church Street, London SE58QZ

Dear Sir or Madam,

This is a formal objection to the application for the premises of 58a Camberwell Church Street, London SE58QZ, Application 867262.

We live on Camberwell Grove within very close proximity to the site.

The proposed operators of the site have applied for a late licence for the sale of alcohol, late-night refreshment and music (both recorded and live).

As the north end of Camberwell Grove has become more and more residential (the number of families with small children has grown vastly since we moved to Camberwell in 2015), we do not believe it is appropriate for a late night club/bar to be opened at the site - especially one with a 1.30am closing time on weekends and 2.30am on public holidays and 3 additional days in the year.

We note the following:

- although we are not suggesting to punish the new applicant for the sins of the previous licence holder, the neighbourhood has continued to progress and is no longer compatible with a night club (the previous Club helped to prove that)
- the plans for 1.30am licensed activities on the weekends is later than the two other licensed premises on Camberwell Grove. To be clear, although the premises address is Camberwell Church Street the primary entrance is on Camberwell Grove – in our experience allowing customers to spill out onto Camberwell Grove making noise, leaving rubbish and urinating (among other anti-social activities) in front gardens.
- with the reality that patrons will drift up Camberwell Grove, the late licence hours will disturb the residents in the early hours of the morning.
- more importantly, the children in our area need to be able to get a proper amount of sleep in order to do well in school – having (most likely) drunk people yelling and screaming until as late as 2.30am on school nights (i.e., the late request for public holidays and other dates will almost always fall the day before school) is not reasonable in a residential area.
- This application does not seem consistent with the Camberwell saturation policy
- The most recent prior application had provisions for how to manage exiting patrons away from Camberwell Grove, how to limit numbers of smokers on Camberwell Grove, for meeting with local residents on a periodic basis and many more to show that they wanted to be a good neighbour - there are no such provisions in this application.

We would welcome the introduction of a new offering on the site that positively adds to the developing charm of Camberwell (we were pleased with the attempt of Kansas Smitty's a few years ago) but a night club (or a bar with an extremely late licence) is not the right addition to the neighbourhood. Are we trying to make the neighbourhood a friendly place for families or are we trying to open magnets for trouble at a time where drug addiction and knife crime is rampant in London, and very often associated with nightclub/nightlife. Please also note that customers leaving rubbish from take away store or other restaurant is already plaguing Camberwell Grove on a DAILY basis.

We have spoken with several neighbours and understand that they have similar concerns of the impact of such a late licence on our neighbourhood and ability to enjoy our homes. It would also most definitely deter new families from settling in the neighbourhood.

In summary, we do not see how this application is in alignment with the four licensing objectives.

Best Regards,

A large black rectangular redaction box covering the signature area.

From: [REDACTED]

Sent: Monday, April 01, 2019 12:19 PM

To: Regen, Licensing

Subject: Club Couture Late Licence - Objections due by 10th April - Information Flyer Attached

[REDACTED]
PERONS 6

To whom it may be concern

I would like to submit my objection to renew the new licence application for Club Couture Site at Camberwell Church Street in view of our public safety at our surround areas. This is a residential areas where there is a public nuisance happened in the past when Club Couture is operational.

This is an objection to the application for the premises at 58A Camberwell Church Street, London SE5 8QZ - Application No. 867262

[REDACTED]
[REDACTED]

Thanks

Regards
[REDACTED]

PERSON 7

From: [REDACTED]
Sent: Monday, April 01, 2019 10:36 AM
To: Regen, Licensing
Subject: Premises licence Application 867262

Dear Sir,

I write to object to the above-numbered Application for a Premises Licence.

These premises lie within a Conservation Area and on the edge of a residential area. I consider that it would create a public nuisance as well as being conducive to additional criminal activity and anti-social behaviour for alcohol to be sold and amplified music (whether live or recorded) to be played after midnight on these premises on any day of the year.

In addition to the unacceptable hours proposed by the Application, it fails to provide for the management of customers on leaving the premises and customers who smoke in the immediate vicinity of the premises. There are families with young children residing close to the premises and measures of this kind need to be insisted upon in any licence that is granted.

Yours faithfully,

[REDACTED]

[REDACTED]

Heron, Andrew

From: Regen, Licensing
Sent: 01 April 2019 08:23
To: Enebeli, Emma
Cc: Heron, Andrew
Subject: FW: Objection Premises Licence Application 867262

From: [REDACTED]
Sent: Saturday, March 30, 2019 6:00 AM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Objection Premises Licence Application 867262

To: Southwark Licensing

We are writing to object to the above referenced licence application.

We live in the [REDACTED] within very close proximity to the site and spent the first year and more of our time in Camberwell fighting the blatant disregard of a previous licence holder - appearing both at Licence Sub-Committee meetings and appearing as a witness in the Magistrates.

The proposed operators of the site have applied for a late licence for the sale of alcohol, late-night refreshment and music (both recorded and live).

As the north end of Camberwell Grove has become more and more residential (the number of families with small children has grown vastly since we moved to Camberwell in 2013), we do not believe it is appropriate for a late night club/bar to be opened at the site - especially one with a 1.30am closing time on weekends and 2.30am on public holidays and 3 additional days in the year.

We note the following:

- although we are not suggesting to punish the new applicant for the sins of the previous licence holder, the neighbourhood has continued to progress and is no longer compatible with a night club (the previous Club helped to prove that)
- the plans for 1.30am licensed activities on the weekends is later than the two other licensed premises on Camberwell Grove. To be clear, although the premises address is Camberwell Church Street the primary entrance is on Camberwell Grove – in our experience allowing customers to spill out onto Camberwell Grove making noise, leaving rubbish and urinating (among other anti-social activities) in front gardens. [please see attached picture which shows that the address of 58A (above the Club Couture sign, is in Camberwell Grove as opposed to Camberwell Church Street]
- with the reality that patrons will drift up Camberwell Grove, the late licence hours will disturb the residents in the early hours of the morning.
- more importantly, the children in our area need to be able to get a proper amount of sleep in order to do well in school – having (likely) drunk people yelling and screaming until as late as 2.30am on school nights (i.e., the late request for public holidays and other dates will almost always fall the day before school) is not reasonable in a residential area.
- This application does not seem consistent with the Camberwell saturation policy
- The most recent prior application had provisions for how to manage exiting patrons away from Camberwell Grove, how to limit numbers of smokers on Camberwell Grove, for meeting with local

residents on a periodic basis and many more to show that they wanted to be a good neighbour - there are no such provisions in this application.

We would welcome the introduction of a new offering on the site that positively adds to the developing charm of Camberwell (we were pleased with the attempt of Kansas Smitty's a few years ago) but a night club (or a bar with an extremely late licence) is not the right addition to the neighbourhood.

As an example of prudent and reasonable licensing, wouldn't the hours of the other two licensed premises on Camberwell Grove (being The Vineyard and the Grove Hose (formerly the Grand Union)) be more appropriate?

We have spoken with several neighbours and understand that they have similar concerns of the impact of such a late licence on our neighbourhood and ability to enjoy our homes.

In summary, we do not see how this application is in alignment with the four licensing objectives.

With kind regards



PERSON 9**Heron, Andrew**

From: Regen, Licensing
Sent: 01 April 2019 08:23
To: Enebeli, Emma
Cc: Heron, Andrew
Subject: FW: 867262

From: [REDACTED]
Sent: Saturday, March 30, 2019 8:26 AM
To: Regen, Licensing
Subject: 867262

o: Southwark Licensing

We are writing to object to the above referenced licence application.

We live right next door to the site and spent the first year and more of our time in Camberwell fighting the blatant disregard of a previous licence holder .

The proposed operators of the site have applied for a late licence for the sale of alcohol, late-night refreshment and music (both recorded and live).

As the north end of Camberwell Grove has become more and more residential (the number of families with small children has grown vastly since we moved to Camberwell in 2013), we do not believe it is appropriate for a late night club/bar to be opened at the site - especially one with [a 1.30am](#) closing time on weekends and [2.30am](#) on public holidays and 3 additional days in the year.

We note the following:

- although we are not suggesting to punish the new applicant for the sins of the previous licence holder, the neighbourhood has continued to progress and is no longer compatible with a night club (the previous Club helped to prove that)
- the plans for [1.30am](#) licensed activities on the weekends is later than the two other licensed premises on Camberwell Grove. To be clear, although the premises address is Camberwell Church Street the primary entrance is on Camberwell Grove – in our experience allowing customers to spill out onto Camberwell Grove making noise, leaving rubbish and urinating (among other anti-social activities) in front gardens. [please see attached picture which shows that the address of 58A (above the Club Couture sign, is in Camberwell Grove as opposed to Camberwell Church Street]
- with the reality that patrons will drift up Camberwell Grove, the late licence hours will disturb the residents in the early hours of the morning.
- more importantly, the children in our area need to be able to get a proper amount of sleep in order to do well in school – having (likely) drunk people yelling and screaming until as late [as 2.30am](#) on school nights (i.e., the late request for public holidays and other dates will almost always fall the day before school) is not reasonable in a residential area.
- This application does not seem consistent with the Camberwell saturation policy
- The most recent prior application had provisions for how to manage exiting patrons away from Camberwell Grove, how to limit numbers of smokers on Camberwell Grove, for meeting with local residents on a periodic basis and many more to show that they wanted to be a good neighbour - there are no such provisions in this application.

We would welcome the introduction of a new offering on the site that positively adds to the developing charm of Camberwell (we were pleased with the attempt of Kansas Smitty's a few years ago) but a night club (or a bar with an extremely late licence) is not the right addition to the neighbourhood.

As an example of prudent and reasonable licensing, wouldn't the hours of the other two licensed premises on Camberwell Grove (being The Vineyard and the Grove Hose (formerly the Grand Union) be more appropriate?

We have spoken with several neighbours and understand that they have similar concerns of the impact of such a late licence on our neighbourhood and ability to enjoy our homes.

In summary, we do not see how this application is in alignment with the four licensing objectives.

With kind regards

[Redacted signature]

[Redacted name]

PERSON 10

From: [REDACTED]
Sent: Saturday, March 30, 2019 12:23 PM
To: Regen, Licensing
Subject: Objection to premises licence application 867262

I wish to object to this application.

The premises is on the corner of Camberwell Church Street and Camberwell Grove, with the entrance on Camberwell Grove.

Camberwell Grove is a residential street and not a suitable environment for a late night drinking and music venue. The late opening hours will cause disturbance to the people living nearby with people who have been drinking and listening to music leaving the premises in the early hours of the morning.

There have been issues with previous licence holders at this premises and it is not a suitable location for a night club.

Kind regards

[REDACTED]

PERSON 11

0207 703 4214

31/03/2019

Dear Sir / Madam

Ref. licence enquiry at 58a Camberwell Church St SE5 8QZ, App 867262

I write with reference to the above licence application.

I live some 100 yards up Camberwell Grove from the premises in question.

This is a residential neighborhood with plenty of children living close to the premises. There is no reason to have a late licence and when it had one in the past my 3 children felt threatened when walking past as smokers congregated on the pavement, created a nuisance and behaved in a threatening manner having had too many drinks. (Why else would you have a late licence?).

Other local bars do not have late licences so why should this one? I have no objection to a normal 11.00 licence but anything else has indeed already proved to be a menace.

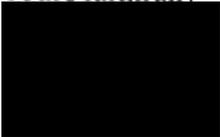
The applicant has no provenance as a sensible or respectable licence holder. Indeed if he is the same as before then I would suggest quite the opposite.

Furthermore and because of the design of the street, loud noises carry some distance and late night revelry will only cause sleepless nights for local residents as it did in the past. 11.00 pm is late enough for this area.

I do not see that anything has changed since this application was last turned down by your selves.

I hereby register me and my family's objection.

Yours faithfully



PERSON 12

From: [REDACTED]
Sent: Sunday, March 31, 2019 7:19 PM
To: Regen, Licensing
Subject: Application 867262 — OBJECTION

Dear Licensing Team,

re 58a Camberwell Church Street SE5 8QZ
application 867262 - OBJECTION

I am writing to make known my objection to the application for a late licence at this site.

The circumstances at this site have not changed since the licence of Club Couture was revoked and should be rejected for the same reasons. My specific objections are:

- as a resident less than 100 metres from the site, I and members of my family were frequently disturbed by customers of Club Couture when they were in operation, and fear the same from any similar late-night establishment: *Public nuisance*
- There are families with small children living within shouting distance of the site. Both parents and children need sleep if they are not to suffer stress. Should a licence be granted, there is little doubt that it would attract similar clientele as Club Couture whose late-night revellers were prone to shout and swear in the early hours, slam car doors, rev car engines and create other similar disturbances which were enough to wake some children, an experience they clearly found frightening. *Safety of children*
- The “safeguards” that were imposed on previous licence holders for management of the clientele were ineffective. *Disorder*
- A late-night drinking licence is completely out of character with Camberwell Grove being a conservation area and residential area. Several alternative late-night drinking establishments already exist.
- Any argument that another late licence in the area might add to the local economy is negated by (i) competition with other establishments, and (ii) the damage that loss of sleep and disturbance does to those who have to work the following day, such as those working from early morning at Kings College Hospital. That a late licence is needed to make such a site economically viable for the promoters, is equivalent to asking for a subsidy from residents, and has no merit.

I and my family sincerely hope that you will reject this licence application.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PERSON 13

From: [REDACTED]
Sent: Tuesday, April 02, 2019 4:10 PM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Application 867262 — OBJECTION

I am writing as a local resident to ask the Council to reject this application.

These premises are not suitable in any way for a Club. The previous outfit, Club Couture, was a great nuisance.

It is not appropriate to have a late-night drinking licence in a residential area. Not only is the site on the corner of Camberwell Grove it is opposite Datchelor Place and residents in both streets were hugely inconvenienced by late-night noise and, more than once, fights as well as men using the street as a urinal. There is no outside space so people who want to smoke stand on the pavement, often talking at top volume and causing an obstruction as the pavement is narrow at that point.

The main road is a lively strip now with plenty of bars and restaurants as well as pubs. If there is the market for another club, it should be there.

I would urge the Council to turn the application down and in doing so to make it clear that a late-night alcohol licence will not be granted for these premises, which could have many other possible uses, as a shop, a daytime cafe etc etc. While the site stands empty it is an eyesore and presumably a loss to the freeholder, who should be persuaded to stop going round this particular loop.

thank you for taking these objections into account

yours

[REDACTED]

[REDACTED]

PERSON 14

From: [REDACTED]
Sent: Wednesday, April 03, 2019 5:13 PM
To: Regen, Licensing
Subject: 58a Camberwell Ch St No 867262

Dear Sirs,

Ref: 58a Camberwell Church St, SE5 8QZ

I live directly opposite the entrance to the proposed entertainment venue cited above. We moved in before Club Couture was closed down and our quality of life improved immeasurably following it's demise.

We have two small children and I have no doubt that any late night noise directly opposite would be very detrimental to us all. The associated potential for disturbance would also have a knock on effect on the wider community, which we know is undergoing its own challenged with knife crime etc.

It would also be very out of kilter with similar business in the direct vicinity, The Vineyard and The Grove, both have licences which terminate much earlier in the evening than the proposed.

I apologise in emailing you as I cannot therefore include a signature. I am happy to be contacted by phone to authenticate this message dated 3rd April.

Kind regards,
[REDACTED]

PERSON 15
Southwark Council

02/04/2019

Dear Sir/Madam,

Objection to application:**NMAS Enterprise Ltd/The Dutchie at****Kalabash and Club Couture, 58a Camberwell Church Street, London SE5 8QZ**

I would like to make my objection to the new premise licence application for the above property.

Objections to the proposal at 58a Camberwell Church Street will echo only too well those made on previous occasions when similar licences have been sought at this property which is set in a quiet, darkly lit (at night), residential area of Camberwell.

Concerns around the late night licence increasing levels of crime and disorder at the club entrance and adjoining streets have only increased of late, given what is occurring vis a vis knife crime in our city. London policemen and women are currently struggling to get this outbreak under control and are stretched in the management of it. There is currently no local Police Station in Camberwell and therefore no immediate Law enforcement presence to control such incidents occurring as a consequence of the proposed late night activities at the club. Such a situation could cause harm to both club users and innocent people living there and those requiring access to the area.

Another direct problem for local residents would be the increase in noise occurring particularly at night, as punters leave the club. With the noise comes an increase in crowds of people hanging around outside the club blocking the street in a disorderly and disrespectful manner. The handling of this is particularly difficult club management-wise, past experience shows, and the damage to local residents trying to relax and sleep already done before it is got under control – if it ever is.

Apart from the everyday living costs and experiences to residents outlined above, the presence of such a club would have a detrimental effect on the value of all properties in the immediate vicinity, as the presence of the club and resulting activities would have to be declared during any sales or renting negotiations.

I would like to urge Southwark Council not to grant this application.

Yours faithfully,


PERSON 16

Tuesday 2 April 2019

Dear Sir/Madam,

Re: Objection to Late Licence application for 58a Camberwell Church Street, London SE5 8QZ, application number 867262

Premises (New premises application for sale of alcohol on the premises, Sun - Thurs 11:00 to 00:00, Fri- Sat 11:00 to 01:30 live & recorded music indoors Mon-Thurs 11:00-00:00, Fri-Sat 11:00 - 01:30 and Sun 11:00-23:00 Late night refreshment indoors Sun-Thurs 23:00-00:00 & Fri-Sat 23:00- 01:30 Opening hours Sun-Thurs 08:00-00:00 & Fri-Sat 08:00-01:30 .)

We are writing to object to the above application for a Late Licence on the following grounds:

1. Prevention of public nuisance

Our home is located approximately 300ft from the entrance of the building. Late opening of the venue to sell alcohol, refreshments, and play music would bring unwanted noise to residents. Although the address is listed as 58a Camberwell Church Street, the doors are on Camberwell Grove, which is almost exclusively a residential street. The application makes no mention as to how NMAS Enterprise Ltd plan to manage the entrance and exit of the venue on Camberwell Grove, or how they hope to minimise disruption for residents.

The venue should follow the licences of other local establishments: for example, the Vineyard restaurant opposite is licenced to sell alcohol until midnight Monday - Saturday and until 11.30pm on Sundays. The Grove pub further up Camberwell Grove is licenced to sell alcohol until midnight Friday and Saturday and until 11pm Sunday – Thursday. It also does not allow noise or drinks outside past 10.30pm. Extending the Late Licence at Club Couture would set a precedent for other venues or those wishing to open venues in the area in the future.

2. Prevention of crime & disorder

It is clear from the past record of the site that residents were negatively impacted by the venue for a number of years, which resulted in police involvement a number of times and the revoking of the licence. This strongly suggests that this site is not suitable as a late night venue.

We moved to Camberwell from Shoreditch, and have seen first hand how an expansion of late night venues can ruin an area and community. It brings noise, public nuisance, excess traffic, and an increased risk of crime. The increased sale of alcohol also creates more litter, which is a strain on council resources and threat to public safety, e.g. broken glass. In Shoreditch, approving late night licences did not help or improve the area for residents and many of our neighbours, and eventually us too, moved to escape the noise and antisocial behaviour. We would be disappointed for this to be repeated in Camberwell.

3. Public safety and protection of children from harm

The site is also not suitable as a late-night venue as it is immediately next door to family homes. As mentioned above, the past involvement of police at the venue and the increased risk of noise, traffic, and clear-up the morning after poses a risk to public safety, particularly that of children. As well as a large number of family homes, Camberwell Grove also has a nursery (the Camberwell Grove Early Years Centre), and is used as a route to get to local schools and parks. The selling of late night alcohol and live/recorded music would create a large amount of rubbish which is not safe for children during the day and a large amount of noise which is not suitable for children at night.

Given these points and the past history of the Club Couture site, we and many of our neighbours hope the Late Licence is not approved.

Yours sincerely,



PERSON 17

From: [REDACTED]
Sent: Friday, April 05, 2019 4:49 PM
To: Regen, Licensing
Subject: Club Couture Site Application No 867262

Dear Licensing, I object to the application submitted by the Dutchie for the Club Couture site at the bottom of Camberwell grove by Camberwell. While the renovation of the site is to be welcomed the lateness of the hours requested is indicative of a club not restaurant or cafe which is wholly inappropriate for a residential street with a high concentration of families as residents. I know from speaking to my neighbours many feel the same way.

Particularly of concern is the lateness of hours requested over the weekends.

Sincerely

[REDACTED]

PERSON 18

From: [REDACTED]
Sent: Sunday, April 07, 2019 4:32 PM
To: Regen, Licensing
Subject: OBJECTION to planning application 867262

Sir/Madam

I am objecting in strong terms to the new licence application for the premises at 58a Camberwell Church Street SE5 8QZ (application no **867262**).

I live just **50 metres** from the exit from the premises and am extremely concerned that if a late night licence were granted that it would lead to a significant increase in public nuisance and disorder with a threat to public safety as customers, who had spent many hours drinking into the night, spill out in groups onto Camberwell Grove (which is where the exit is located), a residential street populated by families.

Add to that the disturbance caused by taxis trying to park and turn round in Camberwell Grove up to 2.00am at weekends. The application currently makes no mention of how the disruption will be avoided.

The location has a long history of criminal activity and drug dealing and I have concerns that such activity will return, especially on the pavements in Camberwell Grove.

Any licence should be no different to the other licensed venues on Camberwell, the Vineyard restaurant and Grove House pub.

Your faithfully,

[REDACTED]

7th April 2019

PERSON 19

From: [REDACTED]
Sent: Friday, April 05, 2019 9:55 AM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Re ; LICENCE APPLICATION 867262 : 58A CAMBERWELL CHURCH ST. SE5

Dear Sirs,

**STREET LICENCE NUMBER 867262 : The Dutchie 58A Camberwell Church Street,
London SE5**

I write to oppose strongly the proposals for a premises licence at the above address, in particular for up to 1.30 a.m. on several days.

I support the letter written to you by Council Ian Wingfield on behalf of a number of Councillors.

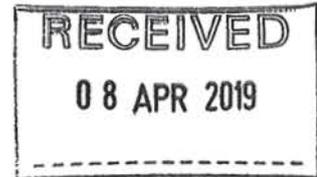
I wish to make the following detailed objections :

- the application address does not show the true site of the premises which are on Camberwell Grove which is a residential area
- there is no indication in the application for the type of activity intended : a restaurant/bar/nightclub ?
- there is no reference to the conditions which have been required for these premises in view of the 13 years of its appalling history of problems including constant night disturbances to surrounding residents
- the application would seem to be in breach of the Saturation Policy established in the area.
- there seems to be no evidence of the financial resources of The Dutchie, including those needed to bring the now derelict building up to Health and Safety standards.

I very much hope this application will be refused.

Yours truly,

[REDACTED]

PERSON 20[REDACTED]
30th March 2019**BY LETTER & EMAIL****Late License Application – 58a Camberwell Church Street, London, SE5 8QZ, Application No. 867262**

To Whom It May Concern:

We are writing to register our objection to the application for the premises license above. The basis for this opposition is that granting the proposed license for this premises would not meet the licensing objectives, particularly the prevention of public nuisance and the prevention of crime and disorder.

We live almost directly opposite the building in question, on Camberwell Grove, and have serious concerns over the adverse impact that the proposed licensing would have for local residents such as ourselves and others in the immediate vicinity. The opening hours stated on the application are well beyond that of other licensed premises (The Grove pub and the Vineyard restaurant are two such local venues), not to mention the fact that the earliest proposed finish time is midnight seven days a week. We feel this is an excessive and inappropriate period of operation for a venue in a predominantly residential area.

The noise level of patrons entering and exiting the venue, in addition to any disturbances relating to the provision of smoking or other outdoor areas (eg queuing, congregating) until these times and beyond is certain to negatively impact those living in the immediate area. Additionally, there will likely be an increase in litter and detritus outside the premises as a result of increased visitors to our neighbourhood.

We would also raise concerns over whether there would be a suitable level of soundproofing within the building itself to mitigate any excess levels of sound or vibration from amplified music within that would cause nuisance to local residents into the night and early hours of the morning if not contained adequately.

The sale of alcohol until the proposed times could subject local residents to antisocial and disorderly behaviour, particularly when coupled with the potential for illegal drug-taking from patrons of late-night entertainment venue.

We feel granting the license on the terms proposed is not appropriate for the area and would urge you to consider this adverse impact on residents such as ourselves within the immediate area.

Best wishes,
[REDACTED]
[REDACTED]
[REDACTED]

PERSON 21

From: [REDACTED]
Sent: Monday, April 08, 2019 10:43 PM
To: Regen, Licensing
Subject: OBJECTION: Application No: 867262

This is in relation to the license request for 58a Camberwell Church Street, London, SE5 8QZ

To whom it may concern,

I am writing to express my objection to the proposed licensing request at the above property on Church Street.

Firstly as in relation to a 'prevention of public nuisance' there is a history of patrons from a previous licence granted at this location wondering up Camberwell Grove in search of bus stops, shelter or short cuts out of the area. Especially as we live down a dead end path in direct line of sight of this property, there is a history of drunk and disorderly patrons wondering down this openly accessible row of cottages (Chamberlain Cottages). Making noise late at night, for which we can all be easily woken.

This brings us on to the second point, 'prevention of crime & disorder'. The extended late license requested beyond midnight, in addition to additional dates and bank holidays until 230am requested by the applicants speaks to their intentions to not make any effort to ensure an orderly or controlled end to their events, but rather to go on as late and serve as much drink sales as is legally possible throughout the year. In addition their application acknowledges no efforts at all to provide any measures by which they would combat noise levels in the immediate residential area or the safety of people leaving the premises. This alone should be grounds for immediate rejection but there is more.

There is no shortage of late serving locations in the immediate area, the Tiger for example serves to 3am. This premises will not serve a need in the local community. Further I have no objection to such a location on a high street setting, but the majority of this property on inspection will show you it's vast majority is outward facing on to Camberwell Grove, including its main entrance - a quiet residential street. With only a small proportion of it facing the Church Road high street. Late night venues such as this belong on well lit high streets surrounded by closed shops, this property is not that. For the safety of both its patrons and residents.

Further there have been a recent spout of violent crimes in the local area (including break-ins) just 3 doors down from my address, already putting pressure on local police. A venue then in this location would no doubt irresponsibly add to this pressure.

Finally, in relation to prevention of 'Children from harm' there is a nursery not 20 meters from this proposed location and Lyndhurst primary school not 300 meters up an adjacent residential road. There are many families with children in this residential area, who will have their lives disrupted by not only noise of late night live music, but the increased potential of crime and the potential for drug paraphernalia and broken glass that unfortunately comes with venues such as these. Rubbish from outside this location was not removed for months previously. Again opening directly on to a road that is not as well maintained for rubbish, or as well lit, or as secure as the main high street venues just a few door up the main road.

In summation this premises is not appropriate for a venue such as this, it is on a residential road. It is not on the high street, its majority sits on a residential street, and will disrupt the lives of many

residents who are not against such venues, but acknowledge there is plenty of late serving more appropriately placed venues in the immediate area.

Thank you,



Dates 08/04/2019

PERSON 22

From: [REDACTED]
Sent: Monday, April 08, 2019 9:03 PM
To: Regen, Licensing
Subject: Objection to Late License Application No. 867262 (58a Camberwell Church St, SE5 8QZ)

Dear Sir/Madam,

I am writing on behalf of the Mary Datchelor House Development Residents Association (MDHD RA) to object to Premises Application No. 867262 (58A Camberwell Church Street) on the grounds of public nuisance, prevention of crime and disorder, public safety, and protection of children.

The primary objection is to the anti-social nature of the requested hours for the residents of Mary Datchelor House Development (MDHD) and its neighbours. MDHD consists of nearly 20 townhouses and a block of 50 flats. The development sits at the bottom of Camberwell Grove adjacent to the premises in the subject application.

Although the application is for an address on Camberwell Church Street it primarily fronts Camberwell Grove. Our history with the site has been that patrons exit the building and congregate on Camberwell Grove causing significant disruption in the small hours of the morning, urinating in the garden spaces of the development and committing other unsociable acts.

I would like to note the following:

1. MDHD has added significantly to the residential nature of the north end of Camberwell Grove. Such a high residential area is not consistent for a late licence establishment.
2. MDHD is the home to numerous families with young children who will have their sleep disturbed by late night revellers spilling out onto Camberwell Grove. As you will appreciate sleep is important for development and the ability of the children to do well in school.
3. The adults in the complex equally need to be afforded the ability to have a restful night's sleep – having drunk people yelling and screaming all hours of the early morning is not consistent with that ability to enjoy one's home.
4. Such a late licence is inconsistent with the other licensed premises on Camberwell Grove (the Vineyard Restaurant and the Grove (formerly the Grand Union) and on Grove Lane (the Crooked Well)
5. The applicant has not provided details of the type of venue it plans to operate

MDHD RA is not suggesting that the site should never be opened again. However, as the neighbourhood has transformed since the days when the venue first operated as a night club, any use (including licensing conditions) needs to be reflective of the residential development in the area.

The decision by the MDHD RA Committee to object to this application on behalf of MDHD RA was passed by email vote, by seven out of eight RA Committee members. Below is the email thread with responses from the RA Committee to my original email at the start of the thread (bottom of this page). Please note that this vote follows on from discussions on the RA forum with all residents.

Of the recipients listed in my original email, the eight RA Committee members are: [REDACTED]

[REDACTED] did not reply. The remaining recipients are residents who were invited to update the RA Committee meeting and who I had to inform of the cancellation of that meeting. I hope this is sufficient evidence of MDHD RA's official decision to object to the application. Thank you.

Sincerely,

[REDACTED]
Secretary, Mary Datchelor House Development Residents Association

On Thu, 4 Apr 2019 at 07:54, [REDACTED] wrote:
I confirm I agree with the objection.

[REDACTED]

On Wed, 3 Apr 2019 at 18:45, [REDACTED] wrote:
Approved by me

[REDACTED]

On Wed, 3 Apr 2019 at 18:11, [REDACTED] wrote:
Confirm I agree with objection

[REDACTED]

Sent from my iPhone

On Wed, 3 Apr 2019 at 15:23, [REDACTED] wrote:
Dear [REDACTED]

I agree to the objection.

Kind regards,

[REDACTED]

Chairman of the Residents Association

On Wed, 3 Apr 2019 at 14:17, [REDACTED] wrote:
I'm in agreement with the objection.

On Wed, 3 Apr 2019 at 13:54, [REDACTED] wrote:
Confirmed I agree with the objection

Get [Outlook for iOS](#)

On Wed, 3 Apr 2019 at 13:28, [REDACTED] wrote:
I am in favour of formally objecting

Sent from my iPhone

From: Secretary MDH [REDACTED]
Sent: Wednesday, April 3, 2019 1:15:27 PM
To: [REDACTED]

Subject: Postponed: RA Committee meeting Thurs 4 Apr 18:30-19:30, Crooked Well

Dear RA Committee,

Given that we are unlikely to get a quorum, and the clash with the Camberwell Society meeting, I suggest we postpone this meeting to after Easter (the Committee could meet before Easter but I will be away).

The main pressing issue is that the Committee needs to make a decision on the late license application for the record.

Can Committee members please indicate, by Fri 5 April, if you are in favour of a formal objection by MDHD RA to Late License Application No. 867262 (58a Camberwell Church St, SE5 8QZ) on the grounds of public nuisance, prevention of crime and disorder, public safety, and protection of children?

Please reply to the latest reply to this thread. I can then send Southwark Council Licensing this as evidence of the RA's formal decision.

Note that we should still all submit our individual objections. Thanks.

Regards

[REDACTED]

PERSON 23

From: [REDACTED]

Sent: Tuesday, April 09, 2019 9:43 AM

To: Regen, Licensing

Cc: [REDACTED]

Subject: Club Couture Licence Application No. 867262

Dear Sirs,

Re: Late night opening at Club Couture

I write to object to the proposals for Club Couture to stay open late and sell alcohol after 11pm (Sundays, Monday, Tuesday, Wednesday and Thursday) or midnight (Friday and Saturday). Extended hours lead to anti-social behaviour, crime and disturbance in a residential area. I have no objection to the club having a licence to 11pm weekdays and midnight on Fridays and Saturdays.

In the past, when our children were younger, we suffered disturbed and frightening nights when the club appeared to be used as a drugs venue, with lots of cars with blaring music parked along the Grove, loud arguments and even guns. With the current spate of knife crime in London, I think it is important that licensing policy plays its part in reducing the number of late clubs and encouraging more moderate establishments – particularly in residential areas.

Yours faithfully

[REDACTED]

[REDACTED]

PERSON 24

From: [REDACTED]
Sent: Tuesday, April 09, 2019 11:43 AM
To: Regen, Licensing
Subject: OBJECTION: Application No: 867262

Good morning,

This is in relation to the licence request for 58a Camberwell Church Street, SE5 8QZ.

I know other people have been in touch in regards to this. I just want to reiterate a few points as to why the request should be rejected;

- we're aware of history of patrons from a previous licence granted at this location wandering up Camberwell Grove. I live at [REDACTED] and our road is a dead end path in direct line of sight of this property. I would not want any drunk people wandering around our cul-de-sac, and wake us up in the middle of the night
- it's well known that crime and disorder are very often a consequence of alcohol or any other substance consumption. A few weeks ago a neighbour experienced a break-in, and I wouldn't want violent crimes to become even more frequent in our neighbourhood
- in relation to prevention of children from harm, as you probably are aware there are a couple of primary schools nearby, and therefore a lot of families with children live in this area. We believe this could affect their security.

Overall, it seems like this area isn't appropriate for a club that wants to serve alcohol until late at night. It's partly on a residential road, and we're really concerned this is going to affect our security and our right to live in a quiet, safe place.

I hope you will take our concerns into account when making a decision on their licencing.

Many thanks

Signed, [REDACTED]

Date 09/04/2019

PERSON 25

From: [REDACTED]
Sent: Tuesday, April 09, 2019 9:23 PM
To: Regen, Licensing
Subject: Application 867262 objection

To Whom it may concern,

I would like to raise my objection to the application for the premises at 58a Camberwell Church Street London SE5 8QZ As a local resident I object to late license of alcohol sales and the safety issues this raises. The increased number of people exiting and entering the premises well into the early hours on Friday and Saturday nights will cause a public nuisance, as well as the increase in transport noises this will inevitably bring and I object to this and the disruption this will cause to the residential area. There is a risk to the safety of local residents and the family appeal to the area.

Thank you

[REDACTED]

09/04/19

PERSON 26

██████████
██████████
10 April 2019

Dear Licensing Team

Re : Application no 867262 58a Camberwell Church Street

We are the owners of a property at ██████████ which is approximately 100 metres from the premises which are the subject of the above application. The purpose of this letter is to object to the application.

Our objection is on two grounds

- Prevention of public nuisance
- Prevention of crime and disorder

The application is silent about any arrangement to manage the patrons leaving the premises particularly late at night and in the early hours of the morning. We understand that such an arrangement was included in the previous application which in the event did not lead to the re-opening of the premises. There is therefore a very real risk of the residents in the area near to the premises being subject to the nuisance of noise, revelry and general disturbance created by patrons leaving the premises particularly on Friday and Saturday and on the 4 public holidays. That nuisance also arises throughout the evening and early morning hours from the arrangements for smoking outside the premises.

There is also a self-evident risk of crime and disorder arising from the potential abuse of alcohol particularly with such long opening hours.

The hours of opening of other licensed premises are not as long as the hours applied for in respect of the Club Couture site. The Grove is licensed to sell alcohol until 11 p.m. Monday to Thursday and midnight on Friday and Saturday and the Vineyard is licensed to sell alcohol until midnight during the week and until 11.30 p.m. on Sunday. One questions the need for such long hours as applied for.

Yours sincerely

████████████████████

(These typed names should be deemed to be our signatures)

Southwark Licensing Team
Hub 1
Floor 3
London SE1 5LX

PERSON 27

From: [REDACTED]
Sent: Wednesday, April 10, 2019 6:50 PM
To: Regen, Licensing
Subject: Objection to application 867262

I am writing to make an objection to the application for the premises at 58a Camberwell Church Street, London SE5 8QZ, Application number 867262
I moved to [REDACTED] in Camberwell Grove 10 years ago and I remember vividly the nights with live music until late plus the shouting and noises outside the premise way beyond 2 or 3 am.

There are many children living in Mary Datchelor House and I just can't imagine their sleep being disrupted by live music until midnight during the week and until 1 30am at week ends or public holidays.

In order to prevent public nuisance and for the protection of children, I request you to consider my objection

[REDACTED]

Regards,

--

[REDACTED]

[REDACTED]

[REDACTED]



The Dutchie
3 The Arcade, 32-34 High St
Croydon, CR0 1YB Telephone
No: www.the-dutchie.com

Dear Sir/Madam,

Re:- The Dutchie, 58a Camberwell Church Street, London SE5 8QZ

I write in regards to the presentations made against the license application for NMAS Enterprise Ltd T/A The Dutchie at the above mentioned address.

Given the history of the premises and the bad experiences described by the neighbours in their representations, I can understand the apprehension and fierce opposition to licensable activities at the premises. However, when projected onto our proposed Restaurant & Bar, the public nuisance, crime, disorder, loitering, drunkenness and so on is hard to envisage. This has not been our experience and it is difficult to see it being so.

Our customer journey is typically customers approaching reception to request a table, take a reserved table or to collect a food order made through our app or phone service; customers consuming their food and drink with friends, family or partner and leaving. Customers yelling, loitering, dealing or consuming drugs has not been our experience and it hard to see why it would be so at this location.

We have no intention of operating or transitioning to a nightclub so many of the issues that can be a byproduct of a nightclub will not arise as a result of our operation. Our restaurant and bar will occupy the ground and basement floors and function as a single business, with a substantial footprint of basement (formerly a nightclub) being made into a kitchen. We would very much like the opportunity to open our third location on the premises, sell our food and drinks and augment our offer and atmosphere with some music. I am confident that we can do so without bringing crime and destruction to the neighbourhood. The following conditions I believe addresses the areas of concern and I hope that you find them agreeable also:

- the timings of the licensable activities shall be amended so that they meet those stated in the Southwark Statement of Licencing Policy 2016–2020 for this area for restaurants. This would include the basement area. The end time for licensable activities should correspondingly be reduced to at least 30 minutes before the closing time to enable consumption of alcohol and food purchased.
- Alcohol must be served only with a substantial table meal within the premises.
- Drinks in open vessels purchased whilst within the premises may not be taken outside for consumption.
- No live music should be played within the premises that is audible within the residential premises above or adjoining the premises under consideration ('The Dutchie') .
- No recorded music should be played within the premises that is audible within the residential premises above or adjoining the premises under consideration ('The Dutchie').
- An additional one hour for the closing time and licensable activities is permissible on the 1st & 6th August and 1st October in any year when this date arises on a Friday or Saturday.
- A minimum of two staff shall be on duty in the restaurant at all times that alcohol is available for sale.

- Management and staff shall discourage persons loitering outside the front of the restaurant and ensure that no drinks will be permitted outside the front of the restaurant at any time.

- No more than 5 smokers shall be permitted outside in the smoking area to the front at any time. A notice shall also be displayed advising customers of this policy
-
- A suitable container shall be provided for cigarette butts.
-
- The restaurant frontage shall be kept tidy and swept at close.
-
- A member of staff shall be detailed to monitor the use of the front, including smokers and tidiness of the area.

- All deliveries, collections and external cleaning shall occur between the hours of 08.00 and 20.00 on any day.

- An appropriately trained member of staff will supervise patrons leaving the premises on any day when the premises is open beyond 00.00.
- Arrangements will be made with a local taxi/cab company to collect patrons from the premises, enabling patrons waiting for a taxi/cab to stay within the premises. If a taxi/cab is ordered close to closing time and patrons are likely to still be waiting after the premises has closed both they and the taxi/cab will be directed to a clear and suitable collection point well away from the premises.

These are of course in addition to conditions proposed by the police. If you have further reservations, I would like the opportunity to address them.

Yours truly

Norman Smith

Managing Director NMAS Enterprise Ltd



NOTICE OF DECISION

APPENDIX F

LICENSING SUB-COMMITTEE – 16 OCTOBER 2017

LICENSING ACT 2003: AMBIGU – 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ

1. Decision

That the application made by Farey and Ryan Ltd, for a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Ambigu, 58a Camberwell Church Street, London SE5 8QZ is granted as follows:

Licensable activity	Hours
The supply of alcohol (both on and off sales)	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30
The provision of late night refreshment (indoors and outdoors)	Monday to Thursday from 23:00 to 00:00 Friday to Sunday from 23:00 to 01:30
The provision of regulated entertainment in the form of recorded music (indoors)	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30
Opening hours	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, The conditions agreed with the Metropolitan Police Service and the licensing responsible authority during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That condition 7 of the conciliated conditions be amended to read: "That the premises shall host quarterly residents meetings for at least the first 12 months and with at least one meeting held in advance of the operation of the premises so that any issues relating to the premises' operation can be aired and responded to by the licence holder. The date and time of such meetings must be publicised on the premises' website.
2. That condition 38 of the conciliated conditions be amended to read: "That no more than six patrons shall be permitted on the Camberwell Church Street frontage to smoke at any time when the premises is open and trading".

3. That a dedicated telephone and email address for the management of the premises be clearly displayed.
4. That the dispersal policy be amended at paragraph 1c to read: "That Staff and security shall ensure that customers do not congregate or loiter outside and, particularly, on the residential street Camberwell Grove and Datchelor Place close to the premises. They will do this in a polite and friendly manner".
5. That the Dispersal Policy be amended at paragraph 1e to read: "All customers will be notified to leave quietly and to respect our local neighbours. Any customer (or other person) seen loitering on Camberwell Grove and Datchelor Place close to the premises will be asked to move on to the nearest mode of public transport or taxi office".

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicants who advised that the applicants had no intention on running a nightclub like Club Couture, which was previously at the premises and had its licence revoked in 2012/3. The applicants were extremely experienced and also run the Bermondsey Social Club, a discrete venue in the heart of Southwark, which in its short life since June 2015 it has become the go-to venue for private hires - hosting live music, birthday parties and corporate events for up to 120 people and received many positive reviews in both local and national publications. The applicant also called a local resident to give evidence. The resident had initially submitted an objection, but after meeting with the applicant, wholly supported the proposed operation stating that the premises would help improve the area.

The licensing sub-committee noted that all of the responsible authorities had conciliated and had agreed 40 robust licence conditions.

The licensing sub-committee then heard from two ward councillors, who welcomed the plethora of conciliated conditions. They advised that the premises has had a very long and troubled history and whilst the proposed operation was that of a restaurant, it was felt that the closing time should be no later than midnight.

The licensing sub-committee heard from the chair of the Camberwell Society who objected to the premises operating beyond midnight. They advised that none of the other premises in the area that had an operation beyond midnight.

The licensing sub-committee also noted the objections received from 39 other persons, most of whom were residents. Six of these objectors attended the meeting, objecting to the grant of the licence. Their representations related to all four licensing objectives and concerned the proximity of the premises to residential properties and the potential for associated nuisance with a licensed premises opening so late. There was an underlying fear that the premises would be run in a similar fashion to which it was and residents would be subjected to serious anti-social behaviour.

The licensing sub-committee considered ¹⁰⁷ of the oral and written representations before and understood the extent of fear of the local community that the premises could revert to a nightclub style operation. However, the sheer number and detail of the conciliated conditions meant that there it would not be possible for the premises to morph into a nightclub. Whilst in a cumulative impact policy area, the policy did not extent to restaurants. The licensing sub-committee were taken through the operating hours of some of the other premises in the vicinity and a number of them were open beyond midnight. In those circumstances, the committee could not justify a terminal hour of midnight.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

4. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 16 October 2017

APPENDIX G

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

865254

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Marcos Farey Ryan Area:Basement&Ground floor 58a Camberwell Church Street London SE5 8QZ Ordnance survey map reference (if applicable), 176689532798	
Post town London	Post code SE5 8QZ
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Recorded Music - Indoors
 Late Night Refreshment - Indoors and outdoors
 Sale by retail of alcohol to be consumed on premises
 Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises
 Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Recorded Music - Indoors

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Late Night Refreshment - Indoors and outdoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Sale by retail of alcohol to be consumed off premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 01:30
Saturday	11:00 - 01:30
Sunday	11:00 - 00:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Marcos Farey Ryan Ltd
Arch, 12 Raymouth Roa
London
SE16 2DB
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

09445532

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Jake Dean Farey
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

[REDACTED]

Licence Issue date 10/10/2018

[REDACTED]
Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) a holographic mark; or

(b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: 1/2 pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

288 The premises will install a CCTV system and maintain this system in good working order; the system will be of evidential quality in all lighting conditions and should be able to capture a clear facial image of all persons that enter the venue. All public areas will be covered including the bar and smoking areas. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available for inspection to Officers of the Police and the Council.

289 There shall be at least one member of staff on duty at all times the premises are in operation under its licence trained and proficient in the operation of the CCTV system capable of operating and retrieving footage on request of the Police or other authorised officer.

293 That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

340 Ground Floor: Intoxicating liquor shall not be sold on the ground floor premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

341 Basement floor: Save for the hatched area on the attached plan (with a maximum capacity of 40 customers), intoxicating liquor shall not be sold on the basement floor otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.

342 The maximum occupancy of the premises shall not exceed 120 customers

343 Save for emergencies, customers shall only enter and exit the premises via the doorway on Camberwell Church Street.

344 All vehicles dropping off or collecting passengers at the premises must be requested to do so on Camberwell Church Street and not Camberwell Grove

345 All waste must be put out for collection on Camberwell Church Street and not on Camberwell Grove

346 The premises licence holder shall operate in accordance with a written Dispersal Policy (or subsequently amended version) as submitted in advance to the licensing authority and Environmental Protection which shall be kept at the premises and made available for inspection by authorised officers or the police

347 Clear legible signage shall be prominently displayed both inside and outside the premises where it can be easily seen and read, reminding customers this is a residential area and requesting that customers leave the area in a quiet and orderly manner.

348 The following persons associated with the previous management and ownership of the premises are not knowingly to be permitted to enter the premises whilst licensable activities are being carried on, or otherwise be involved in the day to day management of the premises: Omo Ayoade, David Johnson, Julio Rodriquez and Oscar Rodriquez.

349 That a Personal Licence holder is on the premises and on duty at all times after 20:00 when intoxicating liquor is supplied.

350 At least one SIA registered door supervisor will be engaged on Friday and Saturday nights. They will be employed from 21.00hrs until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented. At all other times the premises licence holder must engage door supervisors in accordance with a risk assessment.

351 SIA when engaged at the premises will be issued mechanical counting devices to ensure that the maximum accommodation limit of the premises is not exceeded

352 That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.

353 That all spirits (alcohol containing more than 20% ABV) shall be sold by the measure of 25ml or 35ml at a maximum of two measures per container/glass.

354 All children on the premises shall be accompanied by a responsible adult after 21:00hrs.

355 There shall be no new entry or re-entry to the premises after 00.30hrs.

356 Off-sales of alcohol may only be made to persons who have had a substantial table meal at the premises.

357 Late night refreshment shall only be provided indoors

358 A taxi cab will be called for customers requiring the service and a local taxi cab number shall be displayed at the premises

359 Written records of training shall be kept and made available to Police or Council officers on request

360 A till prompt shall be displayed by each till to remind staff to check for proof of age or staff shall be trained to ensure to check for proof of age in line with the age verification policy

361 The premises shall actively engage with and work with Police and Safer Neighbourhood Team

362 Management and staff shall discourage persons loitering outside the front of the premises and ensure that no drinks will be permitted outside the front of the premises at any time.

363 A suitable container shall be provided for cigarette butts

364 The premises frontage shall be kept tidy and swept at close.

365 A member of staff shall be detailed to monitor the use of the front, including smokers and tidiness of the area

366 A member of staff shall be detailed to monitor departing customers conduct on Thursday to Saturday nights at closing and shall encourage customers to leave the area quietly and not to loiter outside the premises.

367 No more than ten patrons shall be permitted on the Camberwell Church Street frontage to smoke at any time when the premises is open and trading.

368 All deliveries, collections and external cleaning shall occur between the hours of 08.00 and 20.00 on any day.

369 An appropriately trained member of staff will supervise patrons leaving the premises on any day when the premises is open beyond 00.00.

370 Arrangements will be made with a local taxi/cab company to collect patrons from the premises, enabling patrons waiting for a taxi/cab to stay within the premises. If a taxi/cab is ordered close to closing time and patrons are likely to still be waiting after the premises has closed both they and the taxi/cab will be directed to a clear and suitable collection point well away from the premises.

4AA A Challenge 25 proof of age policy shall be operated at the premises and only photographic driving licence, valid passport or proof of age card with the bearers photograph and the PASS logo/hologram on it will be accepted as proof of age.

4AB All staff shall be trained for their role on induction and refresher training given at regular intervals of six months thereafter. Training for their role will include:

- a) the operation of Challenge 25
- b) identifying persons under 25
- c) making a challenge
- d) acceptable proof of Age ID and checking it
- e) making and recording refused sales
- f) avoiding conflict and responsible alcohol retailing

4AC Notices shall be prominently displayed at the entry and point of sale stating that CCTV & Challenge 25 are in operation and provisions of the Licensing Act regarding underage/proxy sales.

4AI A written refusals log shall be kept and made available to Police or Council Officers upon request.

Annex 3 - Conditions attached after a hearing by the licensing authority

840 That the premises shall host quarterly residents meetings for at least the first 12 months and with at least one meeting held in advance of the operation of the premises so that any issues relating to the premises' operation can be aired and responded to by the licence holder. The date and time of such meetings must be publicised on the premises' website.

841 That no more than six patrons shall be permitted on the Camberwell Church Street frontage to smoke at any time when the premises is open and trading".

842 That a dedicated telephone and email address for the management of the premises be clearly displayed.

843 That Staff and security shall ensure that customers do not congregate or loiter outside and, particularly, on the residential street

Camberwell Grove and Datchelor Place close to the premises. They will do this in a polite and friendly manner".

844 All customers will be notified to leave quietly and to respect our local neighbours. Any customer (or other person) seen loitering on Camberwell Grove and Datchelor Place close to the premises will be asked to move on to the nearest mode of public transport or taxi office".

Annex 4 - Plans - Attached

Licence No. 865254
Plan No. N/A
Plan Date 22.08.2017

NOTICE OF DECISION**LICENSING SUB-COMMITTEE – 6 DECEMBER 2013**

LICENSING ACT 2003

Club Couture, 58A Camberwell Church Street, London SE5

1. The council's licensing sub-committee, having had regard to the application by environmental protection team for a review of the premises granted under the Licensing Act 2003 to OHMS ENT Limited in respect of the premises known as Club Couture, 58a Camberwell Church Street, London SE5 and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Revoke the licence

- 2 **Reasons for the Decision**

The reasons for this decision are as follows:

This was a review hearing submitted by the council's environmental team and supported by the Metropolitan Police Service in addition to 16 representations. The review was raised on the grounds of prevention of public nuisance. The licensing sub-committee heard evidence from the environmental protection officer, who expressed concern with a number of complaints and incidents of disorder and rowdy behaviour by patrons related to the premises. He stated that there were 13 complaints from four different households since March 2013, and a statutory noise nuisance notice had also been served on the premises. He further highlighted various conditions of the licence had been breached, including condition 841, where it had been witnessed that there were in excess of seven patrons outside the premises at any one time, furthermore that alcohol had been served beyond the permitted hours and patrons permitted entry beyond the terminal hour.

He also referred to the various complaints as noted within the report, illustrating the licence holder's persistent breaches of the licensing conditions and further showing little or no regard to their neighbours, further demonstrated by the various complaints of noise nuisance received beyond the premises' operating hours.

The environmental protection officer's review was also supported by the Metropolitan Police Service, who had also received complaints regarding the operation of the premises; in particular noise caused by patrons outside the premises and operation beyond the agreed terminal hour. The police referred to an event on 19 October 2013, whereby they witnessed patrons being permitted entry to the premises beyond the licensable hours; police submitted that police spoke directly to the license holder, and security staff refused entry to uniformed police officers. The police further stated that the current operation of the premises was having a clear detrimental effect on the living standards of residents, and gave their full agreement and support for the revocation of the licence.

The council also heard from the licensing authority, who stated that they considered there were clear management issues with the premises. In doing so, he referred to the premises licence review which was considered in June 2006. Although an appeal was made to the magistrates' court and upheld on the basis that management had put in place measures to

alleviate concerns for crime and disorder and public safety; however, he submitted that since this time the premises do not appear to be operating in a responsible way and in compliance with the licensing conditions and objectives, and therefore he supported the application to revoke the licence.

The sub-committee also heard from residents who stated that the public nuisance had increased as a result of the premises' failure to comply with the licensing conditions since 2010, and noted that such issues appeared to be as a result of failure to manage individuals outside the premises, either while smoking or leaving the premises. The residents highlighted that the issues continued throughout the night and into the morning, and therefore suggested a breach of the licensed hours. Residents further referred to their submissions contained within the licensing report, which set out a series of in excess of 20 incidents, including yelling and loud noise by patrons outside the premises and thumping music. Residents stated that there was a consistent pattern of public nuisance whereby their nights are routinely disturbed as a result of the premises, and they could therefore see no alternative but to support the application to revoke the licence.

The sub-committee heard from the licence holder's representative, who stated that he did not consider there was sufficient evidence to consider revocation or suspension of the licence, and that he understood that the premises had a noise limiter; and further stated that there was no evidence of criminality as a direct association with the premises. He stated that he did not consider that the responsible authority had sought to engage with the licence holder, and said that the licence holder had not received letters referred to in the environmental protection team's submission to the sub-committee. Despite hearing the representations, he stated that he did not consider that there was evidence of music being a problem, and highlighted that the appeal was upheld in 2006 and that the review has not been brought due to violence.

The sub-committee also heard directly from the licensee, who stated that he felt that the premises were a legitimate business with responsible management, and he did not feel there were any issues until they were brought to his attention. He further stated that he wanted to engage with the responsible agents and local residents, and stated that whilst there was an abatement notice served on the premises, he is currently appealing this to the magistrates' court. He submitted that he did not consider that the breaches of the conditions happened.

The licensing sub-committee considered the evidence and concluded that the licence holder is not taking responsibility to fulfil his obligations under his licence, this was in view of the 16 representations received from local residents and ward councillors supporting the application, and various complaints about the premises to the night time economy team, and evidence provided demonstrating a wilful disregard of the licensing objective as matters had been going on for a significant time.

3 **Appeal Rights**

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

- 4 This decision does not have effect until either:
- a) The end of the period for appealing against this decision; or
 - b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services.

Date: 6 December 2013



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 8 APRIL 2014

LICENSING ACT 2003 – Kalabash, 58A Camberwell Church Street, London, SE5 8QZ

1. Decision

That the application by Mr Amaechi Billa Mackenzie Achuka for a grant of a premises licence issued under the Licensing Act 2003 in respect of Kalabash, 58A Camberwell Church Street, London, SE5 8QZ is granted as follows:

Licensable Activity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Sale and supply of alcohol (on the premises)	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 00.30	10.00 to 00.30	10.00 to 23.30
Late night refreshment (on the premises)	23.00 to 00.00	23.00 to 00.00	23.00 to 00.00	23.00 to 00.00	23.00 to 00.30	23.00 to 00.30	23.00 to 23.30
Hours premises are open to the public	10.00 to 00.30	10.00 to 00.30	10.00 to 00.30	10.00 to 00.30	10.00 to 01.00	10.00 to 01.00	10.00 to 00.00

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following conditions:

- 1) That there be no new entry to the premises after 23.30.
- 2) That The premises shall operate strictly as a restaurant where the sale of alcohol is ancillary to the consumption of food. Alcohol will only be sold to persons seated and taking a table meal. Service to tables will be by waiting staff only.
- 3) That no more than five patrons shall be permitted on the Camberwell Church Street frontage to smoke at any time when the premises is open and trading.
- 4) That all deliveries, collections and external cleaning shall occur between the hours of 08.00 and 20.00 on any day
- 5) That the premises will have signage on all doors to the external used by patrons asking patrons to be considerate to nearby residents and not cause disturbance when leaving.
- 6) That an appropriately trained member of staff will supervise patrons leaving the premises on any day when the premises is open beyond 00.00.

- 7) That arrangements will be made with a local taxi/cab company to collect patrons from the premises, enabling patrons waiting for a taxi/cab to stay within the premises. If a taxi/cab is ordered close to closing time and patrons are likely to still be waiting after the premises has closed both they and the taxi/cab will be directed to a clear and suitable collection point well away from the premises

3. Reasons

This was an application submitted by Mr Amaechi Billa Mackenzie Achuka for a grant of a premises licence issued under the Licensing Act 2003 in respect of Kalabash, 58A Camberwell Church Street, London, SE5 8QZ

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the applicant was the sole director of the limited company that owns Kalabash. The applicant had been a tenant for the last 18 months and a copy of the lease and Land Registry documents were produced. They advised that the premises was a small African restaurant (36 covers), independent of the basement premises, Club Couture. The applicant assured the sub-committee that there were no managerial or business connections with Club Couture, say for the fact that they shared the same landlord, as evidenced in the lease. The applicant advised that the conditions in their operating schedule and the further conditions as agreed with the police and the environmental protection team, would ensure that the premises would operate strictly as a restaurant and not as a bar.

The applicant advised that whilst they had previously operated under the shared licence with Club Couture, which had covered the whole building, it was always their intention to apply for a separate licence. Despite having the ability, under the current shared licence, to operate late, Kalabash had chosen not to do so and had been closing around 23.30 during the week and 01.00 at the weekends. Should the appeal relating to the revocation of the shared licence be successful, the applicant's representative advised that the applicant would submit a minor variation application to remove Kalabash from this licence in order to allay any concerns that they would wish to operate as a club or bar.

The licensing sub-committee noted that the Metropolitan Police Service and the environmental protection team had conciliated subject to the conditions listed above being agreed to by the applicant.

The licensing sub-committee heard from local residents, including a representative of the Camberwell Society, who advised that there had been a number of serious issues relating to the premises over the years and the way that it was previously managed. The local residents were sceptical that Kalabash and Club Couture were separate businesses, sharing an internal fire escape route. They said that the conciliated conditions with the police and environmental protection team would be hard to enforce and would move any nuisance elsewhere in the vicinity. They felt that even with the reduction in operating hours that this was still inconsistent with the hours that they would expect of a restaurant. They advised that this was a residential area and that they had concerns relating to noise nuisance and crime and disorder.

The sub-committee accepted the evidence put forward by the applicant that they would operate a completely separate business from Club Couture and accepted that the conciliated conditions would address the existing concerns raised by the residents.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

4. **Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That the licence ought not to be been granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 8 April 2014

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

844027

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Kalabash Ground Floor 58a Camberwell Church Street London SE5 8QZ	
Ordnance survey map reference (if applicable), 176689532798	
Post town London	Post code SE5 8QZ
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 10:00 - 00:30
Tuesday 10:00 - 00:30
Wednesday 10:00 - 00:30
Thursday 10:00 - 00:30
Friday 10:00 - 01:00
Saturday 10:00 - 01:00
Sunday 10:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence

Late Night Refreshment - Indoors

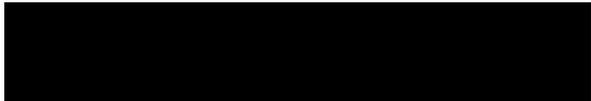
Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:30
Saturday	23:00 - 00:30
Sunday	23:00 - 23:30

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
Sunday	10:00 - 23:30

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**Amaechi Billa Mackenzie Achuka
**Registered number of holder, for example company number, charity number (where applicable)****Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**Amaechi Billa Mackenzie Achuka
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Issue date 09/04/2014


Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence

491 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

485 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or

contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

487 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: 1/2 pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures

Annex 2 - Conditions consistent with the operating Schedule

4AA A Challenge 25 proof of age policy shall be operated at the premises and only photographic driving licence, valid passport or proof of age card with the bearers photograph and the PASS logo/hologram on it will be accepted as proof of age.

4AB All staff shall be trained for their role on induction and refresher training given at regular intervals of six months thereafter. Training for their role will include

- a) the operation of Challenge 25
- b) identifying persons under 25
- c) making a challenge
- d) acceptable proof of Age ID and checking it
- e) making and recording refused sales
- f) avoiding conflict and responsible alcohol retailing

4AC Notices shall be prominently displayed at the entry and point of sale stating that "CCTV & Challenge 25 are in operation and provisions of the Licensing Act regarding underage/proxy sales"

4AI A written refusals log shall be kept and made available to Police Or Council Officers upon request

288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

289 CCTV covering the inside and outside of the premises shall be installed, it shall be capable of taking a head and shoulders shot of persons entering the premises and storing images for at least 31 days. The CCTV shall be in operation at all times that the premises is open to the public.

311 Notices will be prominently displayed by the exit advising customers

- a) to respect nearby residents and leave quietly.
- b) that drinks are not permitted to be taken outside the premises at any time
- c) due to the DPPO, not to loiter outside the restaurant and to keep noise down whilst outside smoking.

332 Unnacompanied children shall not be allowed in the restaurant after 20:00.

336 A personal licence holder shall be on duty after 20:00 on Friday and Saturday while alcohol is available for sale.

324 A taxi-cab will be called for customers requiring the service and a local taxi-cab number shall be displayed at the premises.

340 A member of staff capable of downloading images of the CCTV for the police or authorised council officers shall be on duty at all times that the premises is open to the public.

341 Written records of training shall be kept and made available to Police or Council officers on request

342 A till prompt shall be displayed by each till to remind staff to check for proof of age

343 The premises shall actively engage with and work with Police and Safer Neighbourhood Team

344 A minimum of two staff shall be on duty in the restaurant at all times that alcohol is available for sale.

345 Management and staff shall discourage persons loitering outside the front of the restaurant and ensure that no drinks will be permitted outside the front of the restaurant at any time.

346 No more than 5 smokers shall be permitted outside in the smoking area to the front at any time. A notice shall also be displayed advising customers of this policy

347 A suitable container shall be provided for cigarette butts.

348 The restaurant frontage shall be kept tidy and swept at close.

349 A member of staff shall be detailed to monitor the use of the front, including smokers and tidiness of the area.

350 A member of staff shall be detailed to monitor departing customers conduct on Thursday to Saturday nights at closing and shall encourage customers to leave the area quietly and not to loiter outside the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

305 The premises will have signage on all doors to the external used by patrons asking patrons to be considerate to nearby residents and not cause disturbance when leaving.

308 There shall be no new entry to the premises after 23.30

352 The premises shall operate strictly as a restaurant where the sale of alcohol is ancillary to the consumption of food. Alcohol will only be sold to persons seated and taking a table meal. Service to tables will be by waiting staff only.

353 No more than five patrons shall be permitted on the Camberwell Church Street frontage to smoke at any time when the premises is open and trading.

354 All deliveries, collections and external cleaning shall occur between the hours of 08.00 and 20.00 on any day.

355 An appropriately trained member of staff will supervise patrons leaving the premises on any day when the premises is open beyond 00.00.

356 Arrangements will be made with a local taxi/cab company to collect patrons from the premises, enabling patrons waiting for a taxi/cab to stay within the premises. If a taxi/cab is ordered close to closing time and patrons are likely to still be waiting after the premises has closed both they and the taxi/cab will be directed to a clear and suitable collection point well away from the premises.

Annex 4 - Plans - Attached

Licence No. 844027

Plan No. 4748

Plan Date Jan 2010



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Councillor Dora Dixon-Fyle (reserve)	By email	Jayne Tear, licensing team	1
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